100th CONGRESS
1st Session

SENATE

REPORT
100-28

LEGISLATIVE ACTIVITIES REPORT
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

JANUARY 3, 1985-OCTOBER 18, 1986

MARCH 31 (legislative day, MARCH 30), 1987.—Ordered to be printed

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LEGISLATIVE ACTIVITIES REPORT

MARCH 31 (legislative day, MARCH 30), 1987.—Ordered to be printed

Mr. PELL, from the Committee on Foreign Relations, submitted the following

REPORT

INTRODUCTION BY SENATOR CLAIBORNE PELL CHAIRMAN, COMMITTEE ON FOREIGN RELATIONS

This compilation of activities of the Committee on Foreign Relations during the 99th Congress is submitted in response to the requirements of Rule XXVI 8(b) of the Standing Rules of the Senate, which provides that each standing committee report to the Senate, not later than March 31 of each odd-numbered year, on its legislative review activities during the preceding Congress.

The 99th Congress was a period of intense activity. It commenced in January 1985 with a series of public hearings designed to review the conduct and fundamental objectives as well as to set forth the basic outlines and trends of American foreign policy. In addition, the Committee examined U.S. policy with respect to the famine in Africa, United States-Soviet relations, and the U.S. role within the global company.

With respect to legislation, the committee continued to exercise its oversight responsibilities by successfully managing legislation authorizing appropriations for the Department of State, the United States Information Agency, the Agency for International Development, the Peace Corps, the Board for International Broadcasting, and the Arms Control and Disarmament Agency. The Committee reported out legislation substantially enhancing the protection of U.S. Embassy facilities and diplomatic personnel abroad. The committee was especially pleased to have reported the first foreign assistance authorization act since 1981.

Other major treaty and legislative oversight subjects covered during the past 2 years included the Genocide Convention, United States-United Kingdom Extradition Treaty, arms sales to Saudi Arabia and The People's Republic of China, international terrorism, and United States Policy Toward South Africa.

The 99th Congress was an extremely busy one for the Committee on Foreign Relations. Of the 69 treaties pending in committee, 22 were reported favorably and 19 were approved by the full Senate. Of the 131 bills and joint resolutions which were referred to the committee, 33 were reported and 17 became public law. Twenty-four additional measures under committee jurisdiction were considered on the Senate floor and became law without referral. The committee favorably reported 23 resolutions, 14 of which were agreed to by the Senate.

Nominations received a considerable amount of attention in the 99th Congress. Of the 206 executive branch nominations referred to the committee by the President, 181 were reported and confirmed. In addition, 2,074 foreign service officers received promotions with the approval of the Foreign Relations Committee.

The committee conducted 207 public and closed hearings and published 55 reports on legislation and other issues. In response to invitations from foreign leaders and the evolution of world events, such as the Philippine presidential election and the turmoil in Central America, Members and staff traveled to foreign countries to assess the political situations and implications for American foreign policy. In addition, and in accordance with Senate Rule XXV.1(j) regarding the jurisdiction of the Committee on Foreign Relations, the committee hosted 62 official functions for delegations of visiting Cabinet-level foreign dignitaries.

Overall, the 99th Congress was an extremely productive and successful period for the Committee on Foreign Relations. I would like to take this opportunity to express my gratitude to the Members and staff of the committee who worked so diligently to make the 99th Congress a success. I would also like to thank my able and distinguished colleague, Senator Richard G. Lugar, under whose chairmanship the Committee on Foreign Relations continued in its role as a preeminent congressional body for the formulation of American foreign policy.

Foreign affairs legislation in the Senate

Bills and joint resolutions:	
Referred to committee	132
Original measures from committee	10
Total	142
Reported	[1] 33
Became public law	[2] 14
Concurrent, Executive and Senate resolutions:	
Referred to committee	122
Original resolutions from committee	11
Total	133
Reported	23
Agreed to by Senate	[3] 14

[1] Four of these were passed by the Senate, 3 were included in other public laws and 2 were vetoed by the President, which were sustained.

[2] In addition, 13 measures became public law without referral to committee.

[3] There were 28 additional resolutions agreed to without referral to the committee.

A. TREATIES

Treaties pending before the Senate at the beginning of the 99th Congress	38
Treaties submitted during the 99th Congress	31
Total during the 99th Congress	69
Approved by the Senate	19
Returned to the President	—
Reported favorably by the committee but not approved by the Senate	3
Still pending in committee at the end of the 99th Congress	50

1. TREATIES APPROVED

GENOCIDE CONVENTION (EX. O, 81-1)

The Convention on the Prevention and Punishment of the Crime of Genocide was signed on December 11, 1948, and transmitted to the Senate by President Harry S. Truman on June 16, 1949. The purpose of the convention is to define genocide as a crime under international law and to punish those guilty of its perpetration. The convention defines genocide as the intentional destruction of any national, ethnic, racial, or religious group, in whole or in part, by killing its members, causing them serious physical or mental harm, imposing conditions of life intended to bring about their physical destruction, imposing measures intended to prevent births, or transferring children from one group to another. According to the convention, the following are punishable acts whether committed by constitutionally responsible rulers, public officials, or private individuals: genocide, conspiracy to commit genocide, attempt to commit genocide, and complicity in genocide.

The committee formed a subcommittee in 1949 to consider the convention and report its recommendations to the full committee. The subcommittee held public hearings on January 23, 24, 25 and on February 9, 1950, and reported favorably on the convention to the full committee recommending four understandings and one declaration. The full committee, however, did not take any action at that time.

On February 19, 1970, President Richard Nixon asked (Ex. B, 91-2) the Senate to give its advice and consent to ratification. The President's message was accompanied by a State Department report which stated that there were no constitutional obstacles to ratification. The State Department did, however, recommend that the Senate accompany its advice and consent with an understanding to make it clear that the United States construed the words "mental harm" to mean permanent impairment of mental faculties.

The committee again appointed a subcommittee on the Genocide Convention, which held public hearings on April 24, 27 and May 22, 1970. The full committee reported favorably on the convention with three understandings and one declaration on December 8, 1970 (Ex. Rept. 91-25). The Senate took no action, and the treaty was automatically rereferred to the committee at the end of the session in accordance with Senate rules. After another public hearing on March 10, 1971, the committee reported the treaty with the understandings and declaration (Ex. Rept. 92-6, May 4, 1971) and, after return to the committee at the end of that Congress, again reported it on March 6, 1973 (Ex. Rept. 93-5).

The Senate debated the convention on December 19, 1973; January 28, 29, 30 and February 1, 4 and 5, 1974. On February 5, 1974, a cloture motion failed by a vote of 55 to 36 and on February 6, 1974, a second cloture motion failed by a vote of 55 to 38.

The committee again considered the convention on April 13, 1976, recommending Senate advice and consent to ratification and again recommending that three understandings and one declaration be included in the resolution of ratification. The committee's report (Ex. Rept. 94-23, April 29, 1976) noted that the American Bar Association had reversed its earlier opposition and now supported ratification of the convention.

President Carter on May 24, 1977, sent a message to the Senate urging it to give its consent to ratification. The committee held two days of public hearings on the convention on May 24 and 26, 1977, but did not take any further action at that time.

On December 3, 1981 the committee held another hearing on the convention, and took no further action pending the outcome of a Reagan administration study. On September 5, 1984 President Reagan announced his support for ratification of the convention. The committee held a hearing on September 12, 1984, to hear testimony from administration witnesses.

On September 19, 1984 the committee decided by a vote of 17-0 (1 voting present) to report (Ex. Rept 98-50, September 24, 1984) favorably on the Genocide Convention recommending that the Senate give its advice and consent to ratification with the three understandings and one declaration approved in earlier years.

The Convention was briefly considered on the Senate floor on October 10, 1984. In lieu of action on the treaty, the Senate on October 11, 1984 adopted by a vote of 87-2, S. (Exec.) Res. 478, supporting the principles of the convention and pledging expeditious action on it in 1985.

Foreign Relations Committee consideration of the convention in 1985 centered on the inclusion of additional conditions to approval of ratification. During a March 5, 1985 public hearing on the convention, committee Chairman Lugar stated that he would support ratification of the convention provided a reservation to article IX was included. This reservation required the consent of the parties in order for disputes concerning the interpretation, application, or fulfillment of the convention to be submitted to the International Court of Justice. Administration witnesses agreed to accept such a reservation.

The committee again considered the convention on April 25, 1986. Serious disagreement arose in the committee as to whether the committee should report the convention with the three understandings and one declaration recommended by the committee in earlier years, or whether four additional conditions favored by Senators Helms and Lugar should be included. Some members of the committee felt that these conditions would greatly weaken the U.S. commitment to the treaty, making U.S. ratification an empty symbolic gesture. Others, however, felt that the additional provisos responded to serious and legitimate concerns without detracting from the essence of the convention. Committee Chairman Lugar stated that he would support the treaty and ask the majority leader to schedule debate on it only if the committee accepted all eight provisos.

The committee resumed discussion of the Genocide Convention on May 21, 1985. The committee unanimously approved the three understandings and one declaration which had been recommended by the committee in previous reports. Then by a vote of 9-8 the committee accepted the four additional provisos and decided by a vote of 10-0 (7 voting present) favorably to report the convention (Ex. Rept. 99-2, July 18, 1985) recommending that the Senate advise and consent to ratification subject to eight provisos. These provisos are:

Reservations:

> (1) That with reference to Article IX of the Convention, before any dispute to which the United States is party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.
>
> (2) That nothing in the Convention requires or authorized legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States.

the following five understandings:

> (1) That the term "intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such" appearing in article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial or religious group as such by the acts specified in article II.
>
> (2) That the term "mental harm" in article II(b) means permanent impairment of mental faculties through drugs, torture or similar techniques.
>
> (3) That the pledge to grant extradiction in accordance with a state's laws and treaties in force found in article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.
>
> (4) That acts in the course of armed conflicts committed without the specific intent required by article II are not sufficient to constitute genocide as defined by this Convention.
>
> (5) That with regard to the reference to an international penal tribunal in article VI of the convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose and with the advice and consent of the Senate.

and the following declaration:

> That the President will not deposit the instrument of ratification until after the implementing legislation referred to in Article V has been enacted.

In October 1985 both President Reagan and Secretary of State Shultz wrote to Senate Majority leader Robert Dole urging Senate approval of the Genocide Convention. On December 5, 1985 Senator Helms objected to a unanimous consent request to provide for

Senate consideration of the convention on December 10, 1985. Thus, further Senate action on the treaty was deferred until 1986.

On February 18, 1986 the Senate in executive session began consideration of the convention. On February 19, 1986 by a vote of 83-11 it approved U.S. ratification subject to the two reservations, five understandings, and one declaration recommended by the committee.

An amendment offered by Senator Symms which would have added political groups to those covered by the definition of genocide was defeated by a vote of 62-31. The Senate then by a vote of 93-1 adopted S. Res. 347 expressing the sense of the Senate that the President upon ratification of the convention should seek to amend the convention by notifying the U.N. Secretary General of the U.S. desire to obtain the agreement of the other parties to include politically-motivated genocide in the treaty. President Reagan in a letter to Senator Symms had indicated support for this action in lieu of the Symms amendment. As stated during the debate, acceptance of the Symms amendment would have effectively prevented the United States from becoming a party to the convention.

INTER-AMERICAN COMMERCIAL ARBITRATION (TREATY DOC. 97-12)

The Inter-American Convention on Commercial Arbitration was adopted by the First Inter-American Specialized Conference on Private International Law on January 30, 1975, and was signed by the United States in Panama on June 9, 1978. The purpose of the convention was to facilitate the settlement of commercial disputes by arbitration. The convention was modeled after the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which the United States was a party along with over 65 other countries, and thus extended to Latin American countries the same type of relationship as the earlier Convention.

The committee held a hearing on June 11, 1986, and received testimony from Administration witnesses and representatives of the private bar. On September 9, 1986, the committee ordered the treaty reported with three reservations recommended by the Administration, and on September 19, 1986, the committee reported the treaty with three reservations (Ex. Rept. 99-24).

In the resolution of ratification, the committee listed the reservations as follows:

—The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards shall apply in cases where only a minority of the parties are citizens of a state or states that have ratified or acceded to the Inter-American Convention, unless there is express agreement among the parties to be bound by the provisions of the latter treaty.

—The United States will apply the Inter-American Convention rules that are in effect on the date that the United States deposits its instrument of ratification.

—The United States will apply the Convention, on the basis of reciprocity, only in cases of awards made in the territory of another Contracting State.

The Senate approved the treaty on October 9, 1986, by a vote of 98-0.

PROTOCOLS FOR EXTENSION OF INTERNATIONAL WHEAT AGREEMENT (TREATY DOC. 98-5)

The Protocols for the Extension of the Wheat Trade Convention (1971) and the Food Aid Convention (1980), which together constitute the International Wheat Agreement (1971), were both signed on April 25, 1983.

The protocols extended both Conventions through June 30, 1986. The purpose of this seventh extension of the Wheat Trade Convention was to maintain the framework for international cooperation in wheat matters, authorizing the International Wheat Council to continue to collect, analyze, and disseminate data on the international wheat situation, particularly with reference to supply, demand, trade, and prices. In its report, the committee noted that the United States contributes 14% of the Council's approximately $1 million budget annually. The protocol extending the Food Aid Convention maintained the parties' present commitments to provide minimum annual quantities of cereals food aid in needy developing countries. The committee report declared the U.S. annual commitment to be 4,470,000 metric tons, an amount well within currently authorized food aid programs under Public Law 480.

The Committee on Foreign Relations voted unanimously on September 24, 1985, to report both Protocols (Ex. Rept. 99-3, October 3, 1985). On October 22, 1985, the Senate approved the Protocols by a vote of 98-0. The Protocols entered into force on December 3, 1985.

CONVENTION ON CONTRACTS FOR SALE OF INTERNATIONAL GOODS (TREATY DOC. 98-9)

The United Nations Convention on Contracts for the Sale of International Goods was adopted on Apirl 11, 1980 at a 62-nation U.N. Conference after 12 years of preparatory work by the U.N. Commission on International Trade. Its purpose was to establish agreed-upon, basic rules governing the formation of international sales contracts, including the rights and obligations of buyer and seller, that would apply in those cases where the contracting parties do not specify that a national law applies. The convention applied only to commerical transactions, and contracting parties would remain free to derogate from its provisions.

The committee held its second hearing on this treaty on June 11, 1986; its first hearing on the treaty was held during the 98th Congress. On September 9th, the committee ordered the treaty reported favorably by a vote of 15-0 (Ex. Rept. 99-20).

The Senate approved Treaty Doc. 98-9 on October 9, 1986, by a vote of 98-0. The treaty was scheduled to enter into force on the first day of the month following one year after being ratified by the tenth State.

CONVENTION ON LETTERS ROGATORY (TREATY DOC. 98-27)

The Inter-American Convention on Letters Rogatory, adopted on January 30, 1985, together with the additional protocol to the convention, adopted on May 8, 1979, were signed by the United States on April 15, 1980. The convention and its protocol established a mechanism to facilitate the service of documents in civil and commercial proceedings.

On June 11, 1986, the committee held a hearing and received testimony from Administration witnesses and representatives of the private bar. On September 9, 1986, the committee ordered the treaty reported by a vote of 15–0, and the treaty was reported on September 18, 1986 (Ex. Rept. 99–21).

In floor consideration, Senator Lugar proposed the following two reservations to the treaty:

—That letters rogatory whose purpose was the taking of evidence should be excluded from the rights, obligations, and operation of the convention.

—That in ratifying the treaty, the United States accepted treaty obligations only with respect to those countries that had ratified both the additional protocol and the Inter-American Convention, and not just the latter.

The Senate approved Treaty Doc. 98–29 and the two reservations on October 9, 1986, by a vote of 98–0.

TAX CONVENTION WITH ITALY (TREATY DOC. 98–28)

The tax convention with Italy, together with a supplementary protocol and exchange of notes, was signed at Rome on April 17, 1984. The purpose of the treaty was to reduce or eliminate double taxation of income earned by nationals of one country in the other country, and to reduce or prevent income tax evasion. The treaty also was intended to continue to promote close economic cooperation between the two countries and eliminate possible tax-related trade barriers. The convention replaces a tax treaty which has been in force since 1956.

The treaty was similar in substance to other U.S. tax treaties and to the U.S. model treaty, with several exceptions. In an unprecedented action, the United States waived the right to tax U.S. social security payments made to U.S. citizens who are both citizens and residents of Italy. U.S. citizens who are not also U.S. residents are not generally covered by the treaty. (The U.S. model treaty does cover such U.S. citizens.) The treaty also included specific provisions permitting the United States to tax individuals who renounce their U.S. citizenship, even if they become Italian residents. Unlike the U.S. model treaty, the treaty contained no determination of a single country of residence for a company that is a resident of both countries under local law. The treaty also defined drilling rigs or ships used for more than 180 days in a 12-month period as "permanent establishments." Finally, the treaty included an anti-treaty shopping provision (added by the protocol) which was less comprehensive than that in the U.S. model treaty or in some other recent tax treaties.

Senator Evans chaired the committee's public hearings on the treaty, held on July 30, 1985, and on December 4, 1985, the committee ordered the treaty favorably reported by a vote of 17–0. The treaty was reported with one understanding on December 11, 1985, (Ex. Rept. 99–6). In its report, the Committee expressed its concern with respect to the following issues:

—With respect to dual resident corporations, the committee recommended to the Senate an understanding which specifically prohibited double foreign tax credits under the treaty, stating further that the understanding would become effective as domestic law if ratified with the treaty.

—The committee stated in its report that its recommendation for ratification of the treaty was based on its understanding that nothing in the treaty's provisions would prevent the United States from determining the source of income for purposes of the foreign tax credit limitation, in accordance with section 904(g) of the Internal Revenue Code.

—The committee stated that, despite the waiver in this single instance of the right to tax social security benefits of U.S. citizens who are residents of Italy, future proposed treaties seeking to deny the United States the right to tax such benefits substantially risked committee disapproval.

—The committee states that although it accepted unequal treatment for drilling rigs and construction activities in what it termed was 'this unusual case," future treaty provisions containing different permanent establishment thresholds for drilling rigs and construction activities would risk committee disapproval.

—The committee expressed its concern that the anti-treaty shopping provisions contained in the protocol lacked a "base erosion" rule—that is, a rule denying treaty benefits to a person when a substantial part of that person's gross income is used to meet liabilities to third-country residents. The committee indicated it intended to scrutinize closely anti-treaty shopping provisions contained in future treaties.

—Finally, the committee stressed that its recommendation for approval was accompanied by an expectation that Congress' flexibility in the tax reform process would not be restricted by the treaty's provisions.

The Senate approved the treaty with an understanding by division vote in December 16, 1985. The treaty entered into force on December 30, 1985.

ON THE PATENT COOPERATION TREATY (TREATY DOC. 98–29)

Treaty Doc. 98–29 was a request for the Senate's advice and consent to permit the President to withdraw a reservation entered by the United States to the Patent Cooperation Treaty when it deposited its instrument of ratification on November 26, 1975.

Upon becoming a party to the Patent Cooperation Treaty in 1975, the United States entered a reservation to Chapter II, which gave applicants additional time to perfect their patents. The principal reason for the reservation was the then-prevailing opinion that the divergent patent examining methods of other potential member countries made adherence impracticable.

On June 11, 1986, the committee held a hearing on the request for advice and consent and received testimony from the Administration and the private sector stating that U.S. interests would now best be served by withdrawing the reservation. On September 9, 1986, the committee ordered reported, by a vote of 15–0, a resolution of ratification, and on September 18, 1986, a resolution was reported (Ex. Rept. 99–23).

The Senate approved Treaty Doc. 98-29 on October 9, 1986, by a vote of 98-0.

TAX AGREEMENT WITH CHINA (TREATY DOC. 98-30)

The tax agreement with the People's Republic of China, together with a supplementary protocol and exchange of notes, was signed at Beijing on April 30, 1984. The treaty was the first complete income tax treaty between the two countries. Its purpose was to reduce or eliminate double taxation of income earned by nationals of one country in the other, and to prevent income tax evasion. The treaty was intended to promote close economic cooperation between the two countries and eliminate possible tax-related trade barriers.

The treaty was similar to other U.S. tax treaties and to the U.S. model treaty, with certain deviations. At China's request, the treaty was designated an "agreement" rather than a "convention." Unlike any other U.S. tax treaty, the agreement with China specified that if a company were both a U.S. resident, under U.S. law, and a third-country resident, under a tax agreement between a third country and China, that company would not be considered a U.S. resident under the provisions of the treaty. The agreement did not cover aircraft and shipping income; those are provided for in an existing, separate shipping and aircraft income tax agreement. The treaty also did not include, and thus left largely to local law, a definition of "business profits." Finally, the treaty's anti-treaty shopping provisions, contained in the protocol, were less comprehensive than those in the U.S. model treaty or in other recent U.S. tax treaties.

Senator Evans chaired the committee's public hearings on the treaty, held on July 30, 1985. The committee considered the treaty and protocol on December 4 and 11, 1985, and ordered them reported on December 11 by voice vote (Ex. Rept. 99-7). In its report, the committee expressed its concern on a number of issues, including the following:

—The committee expressed its intent that payments from a United States-owned Chinese corporation were to be treated as U.S.-source income for purposes of the U.S. foreign tax credit, in accordance with section 904(g) of the Internal Revenue Code.

—The committee stated that several of the developing country concessions in the agreement represented substantial concessions by the United States, and that such concessions must be met (as they were in the agreement) by like concessions from the treaty partner. The committee further expressed its concern that such concessions not be viewed as the starting point for future negotiations with developing countries.

—The agreement provided different permanent establishment thresholds for drilling rigs and construction activities. The committee indicated it would accept the unequal treatment in this case, but again emphasized that future agreements should provide equal treatment or risk substantial committee disapproval.

—The committee emphasized that its recommendation for approval of the agreement was based on its understanding that Hong Kong was excluded from treaty coverage, and stated that inclusion of Hong Kong would render the agreement unacceptable.

—Finally, the committee stressed that is recommendations for approval was accompanied by an expectation that Congress' flexibility in the tax reform process would not be restricted by the treaty's provisions.

In floor comments on the agreement, Senator Evans indicated that, the new tax laws in China were ambiguous and that the treaty was needed to clarify Chinese tax policies relative to U.S. concerns. For instance, the Senator said, absent its ratification, technology transfer of U.S. companies in China would be subject to a 20% withholding tax, whereas competitor countries which did have tax treaties with China would be subject to a withholding tax of only 7-10%. The Senator also stated that the agreement would give U.S. residents in China 183 days before being subject to personal income taxes, as opposed to only 90 days absent the agreement.

In other floor comments, Senator Pell pointed out that the relatively weak anti-treaty shopping provisions in the agreement had been further clarified in an additional protocol, Treaty Doc. 99-26, which detailed rules designed to prevent unintended benefits to third-country residents under the agreement.

The Senate approved Treaty Doc. 99-30 on July 24, 1986, by a vote of 96-1. The agreement entered into force on November 2, 1986.

PROTOCOL TO CHINA TAX TREATY (TREATY DOC. 99-26)

The protocol to the tax treaty with the People's Republic of China was signed at Beijing on May 10, 1986. Its purpose was to amend the China tax agreement (Treaty Doc. 99-30) to insure that only bona fide residents of the contracting states may benefit from the treaty's provisions.

The committee approved the protocol by a vote of 16-0 at its June 12, 1986 business meeting, and on June 13 the Committee reported the Protocol (Ex. Rept. 99-15). In his comments during the meeting, Senator Lugar indicated that the protocol would be considered by the full Senate together with the full treaty. The resolution of ratification to Treaty Doc. 99-26 incorporated the treaty itself (Treaty Doc. 99-30) and a supplementary protocol submitted with the treaty; thus, approval of the ratification resolution would constitute approval of all of the above.

The Senate approved Treaty Doc. 99-26 on July 24, 1986, by a vote of 96-1. The treaty entered into force on November 21, 1986.

TAX CONVENTION WITH CYPRUS (TREATY DOC. 98-32)

The tax convention with Cyprus was signed on March 19, 1984, and was transmitted to the Senate on April 21, 1984. The purpose of the treaty was to reduce or eliminate double taxation of income earned by citizens and residents of either country from sources within the other country and to prevent evasion of the income taxes of the two countries.

Though similar in substance to other recent U.S. income tax treaties and to U.S. model tax treaties, the treaty with Cyprus differed in certain respects. These differences included, among others: general coverage of U.S. citizens who are not also U.S. residents; coverage of the U.S. excise tax on insurance premiums paid to a foreign insurer; allowance for the source country, rather than the residence country, to tax any income not otherwise specifically dealt with in the treaty; inclusion of a more comprehensive set of source rules to determine appropriate foreign tax credits for United States and Cypriot taxes; provision for more restrictive U.S. ability to tax dividends, interest, and royalties arising in the United States that are paid to a resident of Cyprus; and limitation on the Cypriot tax on dividends derived by U.S. residents from Cypriot companies, as well as provision of a credit for U.S. shareholders against the Cypriot tax.

The committee held a public hearing on this treaty on July 30, 1985, and on December 4, 1985, ordered it reported favorably by a vote of 17-0.

In its report (Ex. Rept. 99-8) the committee indicated that it approved the treaty without reservation. But, the committee did express the importance of clarifying that no provision in the treaty overrode changes made by the Tax Reform Act of 1984 to the foreign tax credit limitation. The committee stated that its recommendation for ratification was based on this understanding, and that it would not recommend approval of the treaty if it overrode the 1984 Act in this respect.

The committee further expressed concerns on three points. First, the committee stated its concern that, even though the anti-treaty shopping provisions in the treaty were stricter than in most U.S. tax treaties, it nevertheless might not prevent all potential unintended uses of the treaty by third-country investors. Based on this concern, the committee stated that any changes in Cypriot tax law which removed or reduced existing impediments to foreign investment could require a careful reexamination of the adequacy of the treaty's anti-treaty shopping provision. Second, the committee stated that certain developing country concessions which the treaty contained should not be viewed as starting points for future negotiations with developing countries, as they represent substantial concessions by the United States and are expected to be met (as they are in this case) with substantial concessions by the treaty partner. Finally, the committee expressed its intent that Congress' flexibility in the U.S. tax reform process not be restricted by any provisions in the treaty with Cyprus.

The Senate approved the tax treaty with Cyprus on December 16, 1985, by division vote. The treaty entered into force upon the exchange of instruments of ratification on December 31, 1985.

TREATY WITH CANADA CONCERNING PACIFIC SALMON (TREATY DOC. 99-2)

The treaty with Canada concerning Pacific Salmon was signed in Ottawa on January 28, 1985. It (Treaty Doc. 99-2) was received in the Senate on February 19, 1985 and was referred to the Committee on Foreign Relations. The purpose of the agreement is to establish a system for bilateral cooperation in the management and enhancement of salmon fisheries off the Canadian and Alaskan coasts and to promote research on Pacific Salmon.

Salmon originating in the waters of either country pass through waters of the other during migration, and are thus subject to interception by fishermen of the other country. The interception problem is a disincentive for action by either country to make habitat and hatchery investments, and has led to dwindling Pacific salmon reserves.

The treaty establishes an eight-member Commission—four members from each country—to manage fisheries and conduct enhancement programs to provide for conservation and optimum production of salmon, to assure that each country receives benefits from the managed fisheries equivalent to the production of salmon originating in its waters, and to develop programs to adjust any inequities. The treaty provides the Commission with three guidelines: (1) to recognize the desirability of reducing interceptions, (2) to recognize the desirability of avoiding economic and social dislocation to existing fisheries, and (3) to consider annual variations in the abundance of stocks. Annexes to the treaty establish management regimes for six separate fisheries. In comments during the Senate consideration of the treaty on March 7, Senator Lugar noted that the committee recognized that Federal funding is an essential component of the treaty.

The committee held a hearing on the treaty on February 22, 1985. On March 5 it was considered and by a vote of 17–0 was ordered reported favorably to the Senate. Treaty Doc. 99–2 was reported on March 6 (without written report) and on March 7, 1985, the Senate approved the resolution of ratification by a vote of 96–0.

TAX CONVENTION WITH BARBADOS (TREATY DOC. 99–3)

The tax convention with Barbados was signed on December 31, 1984, and was transmitted to the Senate on February 25, 1985. The purpose of the treaty is to avoid double taxation and to prevent evasion of income taxes of the two countries. Though following the general pattern of the current draft United States Model Income Tax Convention, the treaty differs in certain areas due to Barbados' status as a developing country. Among these differences are provisions to prevent third-country residents from taking unwarranted advantage of the treaty, and maximum rates of tax at source on payments of dividends, interest, and royalties. An exchange of notes indicated the willingness of the United States to reopen discussions, should circumstances change, to consider additional provisions to promote the flow of U.S. investment to Barbados.

The committee held a public hearing on this and other tax treaties on July 30, 1985. On December 4, 1985, it considered and ordered it favorably reported by a vote of 17–0.

In its report (Ex. Rept. 99–9, December 11, 1985) the committee indicated its approval of the treaty subject to a reservation that recent amendments to the United States accumulated earnings tax are not overridden by the treaty, particularly by the provisions on dividends contained in Article 10. The committee also expressed its understanding of the effect of Article 23 on the U.S. foreign tax credit limitation as amended by the Tax Reform Act of 1984. In addition, the committee expressed its concerns on three additional points. First, the committee stated that certain developing country concessions contained in the tax treaty with Barbados should not be viewed as starting points for future negotiations with developing countries, as they represent substantial concessions by the United States and are expected to be met (as they are in this treaty) with substantial concessions by the treaty partner. Second, notwithstanding relevent changes in the Tax Reform Act of 1984 limiting treaty shopping incentives, the committee expressed concern that the anti-treaty-shopping provision in the tax treaty with Barbados might not prevent all potential unintended uses of the treaty by third-country investors. Finally, the committee stated its expectation that Congress' flexibility in the ongoing process to achieve major reform of the U.S. tax system will not be restricted by provisions in the tax treaty with Barbados.

The Senate considered the treaty on December 16, 1985, and approved it with a reservation by division vote.

PROTOCOL TO CONVENTION ON ATLANTIC TUNAS (TREATY DOC. 99-4)

The protocol to the 1966 International Convention for the Conservation of Atlantic Tunas (ICCAT), was signed by the United States on September 10, 1984. The effect of the protocol was to allow regional integration organizations, such as the European Community (EC), whose member states have transferred competence in relevant areas to the regional organization, to accede to ICCAT.

The ICCAT was negotiated in 1966, ratified in 1967, and entered into force in 1969. ICCAT's objectives are to study populations of tuna and make recommendations to maintain them at levels permitting the maximum sustainable catch.

Senator Evans chaired the Committee's public hearing on this and other protocols and conventions on March 18, 1986. At its business meeting on April 10, 1986, the committee ordered ICCAT to be reported, and the protocol was reported on April 16, 1986 (Ex. Rept. 99-12).

The Senate approved the treaty by division vote on July 24, 1986.

INTERNATIONAL TELECOMMUNICATION CONVENTION (TREATY DOC. 99-6)

The International Telecommunication Convention, with annexes and a final protocol, was signed at Nairobi on November 6, 1982. The convention was the basic instrument of the International Telecommunication Union (ITU), a specialized agency of the United Nations; it established the ITU's purposes, structure, and rules of procedure, and provided the framework for the orderly and efficient conduct of international telecommunications services.

The State Department requested that the committee expeditiously consider the agreement prior to the January 1, 1986 deadline, at which time the U.S. would lose its voting privileges in the ITU. Given the short notice, the committee requested the State Department to provide certain information in writing to serve as a basis for the committee's consideration. On December 11, 1985, the committee considered and reported the convention. The written information provided by the State Department was summarized in the committee's report (Ex. Rept. 99-4).

The Senate approved Treaty Doc. 99-6 by division vote on December 16, 1985. The treaty entered into force on January 10, 1986.

SUPPLEMENTARY EXTRADITION TREATY WITH UNITED KINGDOM (TREATY DOC. 99-8)

The Supplementary Extradition Treaty between the United States and Great Britain and Northern Ireland, with annex, was signed in Washington on June 25, 1985. Among other things, the original treaty provided that extradition would not be granted for crimes that constituted political offenses. As the treaty did not define what crimes constituted political offenses, the courts decided the issue on a case-by-case basis. As originally submitted, the supplementary treaty would, for all intents and purposes, have eliminated the political exception for acts of violence, thereby eliminating as well the traditional role of the U.S. courts to deny extradition in connection with alleged political offenses.

The committee, chaired by Senator Trible, held public hearings on August 1, September 18, and October 22, 1985. Twenty witnesses gave oral testimony, and a large number of written analyses were received for the written record. The committee first considered the treaty at its April 16, 1986 business meeting, where Senator Pell offered a compromise amendment: it excluded certain acts from the political offense exception regardless of whether the victim was a soldier or a civilian, and distinguished between attacks against soldiers and those against civilians on the grounds that the armed forces are likely to be used in connection with a rebellion or politically motivated civil disturbance. A revised version of Senator Pell's amendment was discussed at the committee's April 23 business meeting.

The committee again considered the treaty at its June 12, 1986 business meeting. By unanimous consent, a draft resolution of ratification offered by Senators Lugar and Eagleton was made the order of business in an effort to balance anti-terrorism concerns against the rights of due process. Senator Helms offered the following series of amendments to both the supplementary treaty and to the declaration: an amendment similar to that offered by Senator Pell distinguishing between attacks against soldiers and those against civilians, with the difference that the military-civilian distinction would be applied to all offenses, including those covered by international conventions to which the United States was a party (failed by a vote of 2-15); an amendment to the Lugar-Eagleton declaration which revised it to state that the Senate would not consent to any treaty narrowing the political offense exception (failed by a vote of 5-15); an amendment to delete a provision in the supplementary treaty making the statute of limitations of the requesting state applicable in extradition proceedings (approved by a vote of 15-2, with the effect being to maintain existing treaty provisions making the statute of either country applicable); and, an amendment which deleted a provision of the supplementary treaty providing that the treaty was to apply to offenses committed before, as well as after, the treaty became effective (failed by a vote of 7-10). The committee then approved the Lugar-Eagleton resolution of ratification by a vote of 15-2. On July 8, 1986, the committee reported the treaty with four amendments and one declaration and with additional views (Ex. Rept. 99-17).

One of the effects of the Lugar-Eagleton language was to define which crimes did not constitute political offenses for the purposes of the extradition treaty. Two other provisions in the amendment language were particularly sensitive, and were dealt with in detail in the committee's report. One was a provision which authorized a court to deny extradition if the person sought could establish by a preponderance of the evidence that he would be prejudiced or misjudged at his trial because of his race, religion, nationality, or political opinions, or based upon persuasive evidence that the charges against him were trumped up. In a committee colloquy, Senators Lugar, Kerry, and Biden clarified this provision for the record.

The second provision, which applied only to the United States, limited the scope of the above provision to certain offenses spelled out in the supplementary treaty, and provided either party in the extradition process the right to appeal. Additional views were provided in the committee report by Senator Jesse Helms, who stated among other matters that the treaty made no legal distinction between the violent acts of terrorists and those of freedom fighters.

The Senate debated the treaty and its four amendments and one declaration on July 16 and 17, 1986, and finally approved the whole on July 17 by a vote of 87-10. During its consideration, the Senate tabled an amendment to strike the retroactivity provision of the treaty, and an amendment to provide for a defense to extradition.

PROTECTION OF THE OZONE LAYER (TREATY DOC. 99-9)

The Vienna Convention for Protection of the Ozone Layer was the product of more than 3 years of negotiations under the auspices of the United Nations Environment Program (UNEP) before its adoption by the Conference of Plenipotentiaries on March 22, 1985. Its purpose was the promotion of global coordination and harmonization necessary for protection of the layer of stratospheric ozone from depletion by atmospheric pollutants. During the negotiations, the Department of State coordinated with all relevant federal agencies, including the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), and the National Oceanic and Atmospheric Administration (NOAA). All these constituencies were believed to support strongly early ratification of the agreement.

The convention established obligations for ratifying countries, including a requirement that countries take appropriate measures to protect the ozone layer and cooperate in research and information exchange. The convention specified that ratifying parties would cooperate in scientific research on chemical, biological, health, and climatic effects involving depletion of the ozone layer.

The committee held public hearings on the Convention on March 18, 1986, and ordered it reported on April 10, 1986. On April 23, 1986, the convention was reported (Ex. Rept. 99-13) with additional views by Senator Pell. In its report, the committee stressed that there was no apparent controversy surrounding the convention, but that environmental groups believed the evidence now was sufficient to warrant international regulation rather than increased cooperation and study as the convention proposed.

The Senate approved the convention by division vote on July 24, 1986. The convention is scheduled to take effect following its ratification by 20 States.

INTERNATIONAL CHILD ABDUCTION (TREATY DOC. 99-11)

The Hague Convention on the Civil Aspects of International Child Abduction was adopted on October 24, 1980, at the 14th Session of the Hague Conference on Private International Law, and was signed on behalf of the United States on December 23, 1981. Its purpose was to establish uniform rules to be applied in cases of international child abduction. It provided for prompt return of children upon application of the left-behind parent, and provided for the establishment of a Central Authority in every party state to receive and facilitate the processing of return requests.

The committee held a public hearing on June 11, 1986, and received testimony from the Administration and the private sector. On September 9th, the committee ordered the treaty reported by a vote of 15–0, with the following two reservations: that all applications, communications, and other documents sent to the U.S. Central Authority should be accompanied by their translation into English; and that the United States would not be bound to assume any costs or expenses resulting from legal proceedings to return children to the United States unless those expenses were covered by a legal aid program.

On September 19, 1986, the committee reported the treaty with the above two reservations (Ex. Rept. 99-25), and on October 9, 1986, the Senate approved the treaty and reservations by a vote of 98–0.

CONVENTION ON WETLANDS PROTECTION (TREATY DOC. 99-28)

The Convention on Wetlands was concluded at Ramsar, Iran, on February 2, 1971, with a protocol to the Convention concluded at Paris on December 3, 1982. The convention was signed by the United States on September 13, 1985. The purpose of the convention was to provide a framework for promoting the conservation of wetlands through international cooperative and coordinated actions, consultations, and information exchanges. The President transmitted the convention to the Senate on June 23, 1986.

Although the United States helped draft the convention, it deferred signing initially because of opposition by conservationists who felt the convention too weak, and by state authorities who feared U.S. participation would unduly expand Federal authority. Both groups supported the treaty in the 99th Congress. The following U.S. wetlands were designated as being of international importance under the terms of the Convention: Izembeck National Wildlife Refuge (Alaska); Edwin G. Borsythe National Wildlife Refuge (New Jersey); Okefenokee National Wildlife Refuge (Georgia and Florida); and Ash Meadows National Wildlife Refuge (Nevada).

The committee considered the convention at its September 9th business meeting and ordered it reported by a vote of 15-0. The treaty was reported on September 18, 1986 (Ex. Rept. 99-22), and was approved by the Senate on October 9, 1986 by a vote of 98-0.

TREATY WITH ICELAND (TREATY DOC. 99-31)

The treaty with Iceland, entitled the "Treaty Between the United States and Iceland to Facilitate their Defense Relationship," together with related Memorandum of Understanding, was signed at New York on September 24, 1986. Its purpose was to supercede U.S. cargo preference laws, principally the Cargo Preference Act of 1904, for military cargos to Iceland for purposes of the 1951 United States/Iceland Defense Agreement, and to provide that such cargos would be open to United States and Icelandic ships on a competitive basis. The Memorandum of Understanding detailed how the competitive system would work.

Senator Mathias chaired the committee's public hearing on the treaty, held on September 30, 1986. At its business meeting on October 8, 1986, the committee considered and reported the treaty by a vote of 17-0 (Ex. Rept. 99-31.)

In its report, the committee indicated that the treaty was needed to divide fairly the trade of transporting military cargo to Iceland. All military cargo to Iceland was transported by Icelandic shipping companies until 1984, when a small, nonsubsidized American company began transporting the cargo under the 1904 Cargo Preference Act. The committee recognized Iceland's importance to Western security interests, and thus recommended the treaty's ratification subject to the following assurances: that the treaty would not be construed as a precedent for weakening the 1904 Cargo Preference Act; that the Administration was committed to vigorous enforcement of the 1904 Act; and that the treaty would be implemented in such a way as not to place existing U.S. flag service at a disadvantage.

The Senate approved the treaty by division vote on October 8, 1986, and the treaty entered into force on October 31, 1986.

2. OTHER TREATIES CONSIDERED BY THE COMMITTEE

Three other treaties were reported by the Foreign Relations Committee, but were not approved by the Senate, and 16 additional treaties were considered by the committee, but were not reported. These 19 treaties are as follows:

(1) On June 11, 1986 the committee held a public hearing on Ex. L, 92-1, Vienna Convention on the Law of Treaties which was submitted on November 22, 1971.

(2) Treaty with the Soviet Union on the Limitation of Strategic Offensive Arms and the Protocol (SALT II), submitted on June 25, 1979 (Ex. Y, 96-1) was discussed on June 25 and 26, 1986.

(3-4) The committee held a public hearing on April 26, 1984 on the Convention with Denmark for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (Ex. Q, 96-2) and the Protocol amending that convention (Treaty Doc. 98-12). Both were reported on May 21, 1984 (Ex. Rept. 98-23); however, the Senate did not take action on them and they were automatically referred to the committee. Another public hearing was held on July 30, 1985 and both were again reported on December 11, 1985 (Ex. Rept. 99-5), but they were not acted on by the Senate.

(5) Withdrawal of the Supplementary Convention on Extradition with Sweden (Treaty Doc. 97-15) was considered on July 30, 1985.

(6) Treaty Doc. 98-10, Amendment to the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora, was submitted on October 4, 1983. On March 18, 1986 a public hearing was held and it was considered further on April 10, 1986.

(7) The committee held a hearing June 13, 1985, on the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals between the United States, Canada, Japan and the Soviet Union (Treaty Doc. 99-5). The protocol was considered on June 25, 26 and July 30, 1985.

(8) Treaty Doc. 99-12, Two Protocols Amending International Convention on Civil Liability for Oil Pollution Damage and the International Fund for Compensation for Oil Pollution Damage, received a hearing on May 15, 1986. It was reported to the Senate on Oct. 16, 1986 (Ex. Rept. 99-28). However, the Senate took no action on it.

(9-18) On August 11, 1986, a public hearing was held on ten investment treaties: Panama (Treaty Doc. 99-14), Senegal (Treaty Doc. 99-15), Haiti (Treaty Doc. 99-16), Zaire (Treaty Doc. 99-17), Morocco (Treaty Doc. 99-18), Turkey (Treaty Doc. 99-19), Cameroon (Treaty Doc. 99-22), Bangladesh (Treaty Doc. 99-23), Egypt (Treaty Doc. 99-24), and Genada (Treaty Doc. 99-25). They were on the committee's business agenda for five days in September and October.

(19) The Convention with the United Kingdom on behalf of Bermuda on Tax Matters (Treaty Doc. 99-30) was also considered in September and October following a public hearing on September 25, 1986.

INVESTMENT TREATIES

In 1981, the United States initiated the global bilateral investment treaty (BIT) program to encourage and protect U.S. investment in developing countries. The program provided for negotiation of a series of bilateral investment treaties designed to provide certain mutual guarantees and protections to create a more stable and predictable legal framework for foreign investors in each of the treaty Parties.

On August 11, 1986, the Committee held public hearings on a series of investment treaties negotiated under the BIT program. These included the individual and separate investment treaties with the following countries: Panama, Senegal, Haiti, Zaire, Morocco, Turkey, Cameroon, Bangladesh, Egypt, and Grenada (Treaty Documents 99-14, 99-15, 99-16, 99-17, 99-18, 99-19, 99-22, 99-23, 99-24, and 99-25, respectively).

On September 23, 25 and 30, 1986, and again on October 2 and 8, 1986, the Committee considered the treaties in question. No further action was taken in the 99th Congress.

3. OTHER TREATIES PENDING IN COMMITTEE AT THE CLOSE OF THE 99TH CONGRESS

In addition to the treaties listed above, the following treaties (31) were still pending before the committee at the close of the 99th Congress:

Freedom of Association and Protection of the Right to Organize, submitted on August 27, 1949 (Ex. S, 81-1).

Optional Protocol of Signature concerning the Compulsory Settlement of Disputes (Law of the Sea), submitted on September 9, 1959 (Ex. N, 86-1).

Convention concerning the Partial Revision of the Conventions adopted by the General Conference of the International Law Organization at its first 32 sessions, submitted on June 1, 1962 (Ex. C, 87-2).

Convention concerning the Abolition of Forced Labor, submitted on July 22, 1963 (Ex. K, 88-1).

Convention concerning Employment Policy, adopted by the International Labor Conference at is 48th session, submitted on June 2, 1966 (Ex. G, 89-2).

International Convention on Civil Liability for Oil Pollution Damage, submitted on May 20, 1970 (Ex. G, 91-2).

Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, submitted on May 5, 1972 (Ex. K, 92-2).

Trademark Registration Treaty, submitted on September 3, 1975 (Ex. H, 94-1).

Treaties with the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests and on Underground Nuclear Explosions for Peaceful Purposes, submitted on July 29, 1976 (Ex. N, 94-2).

Protocols done at Montreal amending the Convention for the Unification of Certain Rules relating to International Carriage by Air, submitted on January 14, 1977 (Ex. B, 95-1).

International Convention for the Prevention of Pollution from Ships, submitted on March 22, 1977 (Ex. E, 95-1).

International Convention for the Elimination of All Forms of Racial Discrimination, submitted on February 23, 1978 (Ex. C, 95-2).

International Covenant on Economic, Social and Cultural Rights, submitted on February 23, 1978 (Ex. D, 95-2).

International Covenant on Civil and Political Rights, submitted on February 23, 1978 (Ex. E, 95-2).

American Convention on Human Rights, submitted on February 23, 1978 (Ex. F, 95-2)

Treaty on Maritime Boundaries with Mexico, submitted on January 23, 1979 (Ex. F, 96-1).

Maritime Boundary Agreement with Cuba, submitted on January 23, 1979 (Ex. H, 96-1).

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, submitted on September 5, 1979 (Ex. EE, 96–1).

Convention on the Elimination of All Forms of Discrimination against Women, submitted on November 11, 1980 (Ex. R, 96–2).

Convention the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States Belonging to the Europe Region, submitted on November 13, 1980 (Ex. V, 96–2).

Protocol Amending Convention for Protection of Migratory Birds in Canada and the United States, submitted on November 24, 1980 (Ex. W, 96–2)

1979 Amendment to Regulation 49(4)(b) of Annex II of the International Convention on Load Lines, submitted on July 27, 1981 (Treaty Doc. 97–14).

Consular Convention with South Africa, submitted on January 30, 1984 (Treaty Doc. 98–14).

1983 Partial Revision of the Radio Regulations (Geneva, 1979) and a Final Protocol, submitted on January 7, 1985 (Treaty Doc. 99–1).

Amendment to the Statute of International Atomic Energy Agency relating to the Composition of the Board of Governors, submitted on June 26, 1985 (Treaty Doc. 99–7).

Tax Treaty with Sri Lanka, submitted on October 2, 1985 (Treaty Doc, 99–10).

Tax Treaty with Tunisia, submitted on March 13, 1986 (Treaty Doc. 99–13).

Convention concerning Tripartite Consultations to Promote the Implementation of International Labor Standards, submitted on April 11, 1986 (Treaty Doc. 99–20).

Convention concerning Minimum Standards in Merchant Ships, submitted April 11, 1986 (Treaty Doc. 99–21).

Convention for the Protection of Literary and Artistic Works, submitted on June 20, 1986 (Treaty Doc. 99–27).

Convention Providing a Uniform Law on the Form of an International Will, submitted on July 15, 1986 (Treaty Doc. 99–29).

B. LEGISLATION ENACTED

Bills and joint resolutions:	
Referred to committee	132
Original measures from committee	10
Total	142
Reported	[1] 33
Became public law	[2] 17

[1] Four of these were passed by the Senate, 3 were included in other public laws and 2 were vetoed by the President, which were sustained.

[2] In addition, 13 measures became public law without referral to committee.

1. Foreign Assistance and Related Matters

THE FOREIGN ASSISTANCE AUTHORIZATION ACT OF FISCAL YEARS 1986-87

The Foreign Assistance Authorization Act of fiscal years 1986 and 1987 marked the first time since 1981 that Congress had enacted a regular foreign assistance authorization. Both the Senate and House authorizing committee chairmen made passage of a foreign aid bill for fiscal year 1986 a top priority.

The Senate Foreign Relations Committee move quickly, holding seven hearings on four separate bills dealing with various components of foreign aid—S. 559, S. 560, S. 656, and S. 660—before consolidating these into S. 960, The International Security and Development Corporation Act of 1985. The committee held hearings on S. 960 on March 15, 20, 21, 22, and 26, 1985, held mark-up on March 26 and 27, and reported the bill out on April 19 (S. Rept. 99-34) by a vote of 16-1. Senator Helms' was the single nay vote.

In its first actions, the Committee adopted a Committee mark, offered by Senators Lugar and Dodd, which reflected the lower of either the President's request or the FY 1985 continuing resolution level, and approved an amendment by Senators Pell, Mathias, and Dodd to restore $184 million in funding for certain programs. As finally considered by the Senate, S. 960 froze foreign aid spending at fiscal year 1985 levels (but allowed for military aid increases for Israel and Egypt). The House Foreign Affairs Committee held hearings and mark-up on April 3, 1985, and reported out H.R. 1555 on April 11 (H. Rept. 99-39).

The Senate considered S. 960 on May 14 and 15. In a move to speed consideration, Senate leaders pursued a floor strategy designed to keep controversial or "budget busting" amendments from being offered on the Senate floor. With a minimized degree of controversy, the Senate amended the bill and passed it on May 15 by a vote of 75-19. The House considered and amended its bill, then passed S. 960 on July 11 after substituting the text of H.R. 1555. On July 16, 1985, the House requested a conference. A conference committee was formed in July and a conference report filed in the House on July 29 and in the Senate on July 30 (H. Rept. 99-237). Both Houses approved that report without amendment, and the bill was signed by the President and enacted as Public Law 99-83 on August 8, 1985. The major provisions of the law are discussed below.

Authorization for appropriations

The law authorized $12.77 billion in each of fiscal years 1986 and 1987 as well as $2 billion in emergency aid to Israel and Egypt in FY 1985. The amounts ultimately approved by Congress are compared in the table below with the levels requested by the Administration and those recommended by the House and Senate:

[In thousands of dollars]

Foreign Assistance	Executive branch request	House bill 1986-87	Senate bill 1986	Conference agreement 1986-87
Military:				
FMS financing	5,655,000	5,228,384	5,464,500	5,371,000
Guarantee reserve	0	0	0	0
Grant MAP	949,350	761,648	805,100	805,100
IMET	65,650	54,422	56,221	56,221
Peacekeeping	37,000	35,815	37,000	37,000
Subtotal	6,707,000	6,080,270	6,362,821	6,269,321
Antiterrorism	5,000	9,840	5,000	9,840
ESF	4,024,000	3,775,587	3,841,000	3,800,000
Development assistance:				
Agriculture	792,352	766,997	755,551	760,000
Population	250,017	309,760	270,017	290,000
Health	146,427	215,998	186,427	205,000
Child Survival Fund	0	48,400	25,000	25,000
Education	188,533	182,790	177,100	180,000
SDA-PVO	223,071	215,933	200,000	207,000
Subtotal bilateral	1,595,400	1,739,877	1,614,095	1,667,000
Sahel	80,500	91,476	80,500	87,750
Africa Development Fund	1,000	3,872	1,000	3,872
Housing guaranty	0	0		
Subtotal	1,676,900	1,835,225	1,695,595	1,758,622
Other programs:				
ASHA	10,000	38,720	30,000	35,000
International organizations	196,211	275,787	267,675	270,000
IFAD	0	0	0	(50,000)
Narcotics	57,529	55,688	50,271	57,529
Disaster assistance	25,000	24,200	25,000	25,000
Trade and development	20,000	20,328	20,000	20,000
Operating expenses	387,000	379,004	387,000	387,000
Subtotal	695,740	793,727	779,893	794,529
Peace Corps	124,400	131,745	128,600	130,000
IAF	8,699	11,616	11,969	11,969
Grand total	13,241,739	12,638,011	12,824,878	12,774,281

TWO-YEAR AUTHORIZATION

As reported by the committee and passed by the Senate, the bill contained authorization levels for only fiscal year 1986, while the House bill authorized funds for both fiscal years 1986 and 1987. Conferees agreed to extend the fiscal year 1986 authorizations to fiscal year 1987, at the same levels, and further stated that the Senate and House committees would give consideration to any additional fiscal year 1987 recommendations made by ther executive branch.

MILITARY ASSISTANCE AND SALES

The act authorized a total of $6.3 billion for Foreign Military Sales (FMS) financing, the grant military assistance program (MAP), grant international military education and training (IMET), and peacekeeping operations. The amount, a compromise between the Senate and House figures, was higher than the $5.95 billion available under previous law but less than the $6.7 billion sought by the President.

Foreign Military Sales (FMS) Credit and Guaranty Program

The final act authorized $1.3 billion in FMS credits for Egypt and $1.8 billion for Israel, all on a foreign loan basis. Also included was a Committee amendment, offered by Senator Boschwitz and cosponsored by Senator Biden, which authorized a portion of the funds to be used for helping Israel develop and produce its new jet fighter, the Lavi. The amendment permitted $150 million to be used for research and development in the United States and $250 million to be used for R & D, procurement, and production in Israel. It slightly modified a similar provision, contained in the 1985 Continuing Resolution, by stating that the funds would be available for the Lavi if the Government of Israel so requested.

The final law also contained a Senate committee provision adding Thailand to the list of countries receiving extended repayment terms (30 years) for their market rate FMS loans. In its deliberations on this issue, the committee rejected, by a vote 2-7, an amendment by Senator Murkowski which would have eliminated extended repayment terms. Another provision in the committee bill—authorizing such terms for any fiscal year and for guaranteed loans as well as credits—was not included in the final act, which authorized the terms only for FMS direct credits and only for fiscal year 1986 and fiscal year 1987.

The final law also placed a ceiling of $553.9 million on the aggregate amount of FMS assistance that may be provided at concessional interest rates.

FMS for Lebanon, Jordan

The committee approved an amendment by Senator Boschwitz which denied the Administration's $10 million request for FMS credits for Lebanon in fiscal year 1986. In report language on the amendment, the committee cited budget restrictions and noted that $23 million in FMS credits remained unexpended from previous appropriations for Lebanon. Conferees on S. 960 did not accept the Senate prohibition.

On FMS financing for Jordan, the act contained a compromise between the committee bill, which placed no conditions on such financing, and the House bill, which did. The final act stated the sense of Congress that no FMS financing for Jordan may be used to finance that country's purchase of U.S. advanced aircraft, new air defense weapon systems, or other new advanced weapons systems unless Jordan was publicly committed to recognition of and negotiation with Israel. The compromise also required that any Presidential notification of a proposed military sale to Jordan be accompanied by a Presidential certification of such a commitment by Jordan. Conferees also noted that nothing in this action was intended to impair the House Committee's proposal for $25 million in Economic Support Fund (ESF) assistance for Jordan in fiscal year 1986 (a $5 million increase above the President's request), or the

$250 million for Jordan included in the fiscal year 1985 supplemental.

FMS Credit Terms

The final law contained a provision authorizing the President to charge concessional interest rates on FMS loans at not less than 5 percent per year. In its report, the Senate committee noted that during its hearings on the fiscal year 1986 request, Administration witnesses had testified that concessional loans would be set at a rate not lower than 5 percent. The House provision on this issue called for FMS concessional loans at an interest rate no less than 5 percent per year or at a rate 7 percent below U.S. Government borrowing rates, whichever was larger.

Greece, Turkey, Cyprus

The final act provided $714,280,500 in FMS financing and MAP grants for Turkey. It also contained a committee provision, offered by Senator Pressler, which placed a ceiling of $215 million on grant MAP assistance to Turkey, with the understanding that the U.S. government was acting with urgency and determination to oppose permanent bifurcation of Cyprus. In addition, the act contained a Committee provision, offered by Senator Sarbanes, which modified the original Pressler amendment by recommending a $500 million FMS earmark for Greece and extending to Turkey the same proportion of FMS concessional assistance, at comparable interest rates, as was authorized for Greece. After some discussion on this point, the committee agreed that U.S. foreign policy interests were best served by retention of the earmark and concessionality for Greece despite recent statements and actions by the Government of Greece. The final act also exempted concessional credits for Greece from the aggregate ceiling on such credits.

In its report, the committee expressed its continuing commitment to assisting efforts to achieve a peaceful resolution of the situation on Cyprus. The committee particularly noted its support for enhancing educational opportunities for Cypriots, urged the Administration to continue to find ways of addressing this priority, and noted that it expected the Administration to keep it informed of progress on these matters.

Guaranty Reserve Fund

The final law contained a Committee provision, offered by Senator Murkowski, which required a Presidential report on the FMS financing program as well as recommendations on ways to replenish the Guaranty Reserve Fund. In its report, the committee stated its deep concern about the Fund's future and its relationship to the FMS program. The committee rejected an administration request for a permanent and open-ended authorization for the Fund, and did not authorize any funds for fiscal year 1986.

The final act included House language which amended section 24 of the Arms Export Control Act by authorizing the Department of Defense to use funds authorized for market rate FMS loans to pay claims on past debts under the same program when funds in the Guaranty Reserve Fund became inadequate.

Valuation of Defense Articles

Conferees on S. 960 agreed to a Senate committee provision, introduced by Senator Pressler, which required that U.S. vessels sold to foreign governments should be sold only at their full and fair value, and that any refurbishment costs should be passed on to the purchaser. The provision was intended to address concerns in a GAO report which pointed out the high cost to the Treasury of failing to fully price U.S. ships.

Cash Flow Financing Report

As enacted, the law contained a Senate committee amendment, introduced by Senator Pressler, which required a report to Congress whenever a nation received cash flow financing in excess of $100 million, to include the cash flow amount approved by the United States, the management controls in place, and a description of the financial resources available to such countries.

Peacekeeping operations

The final law included a Senate committee provision which authorized drawdowns of up to $25 million in any fiscal year from any U.S. Government agency for peacekeeping emergencies as determined by the President. The provision required that the President give written notification and justification to Congress should he intend to exercise this authority.

Special Defense Acquisition Fund (SDAF)

In its bill, the committee approved language that amended section 51(a) of the Arms Export Control Act to procure certain advanced, front-line weapons systems with SDAF monies to replace items drawn down from U.S. service stocks for foreign sale. The provision also authorized procurement of logistical supply support items through the Defense Logistics Agency to keep on continuous order those items of high anticipated demand. The House bill called for the SDAF to be a true revolving fund and limited the equity value of the fund to $500 million. The final act contained a compromise between Senate and House versions which made the SDAF a revolving fund, without allowing for replacement purchases of certain equipment proposed by the Senate and without establishing a limit on the fund's equity value.

Leasing authority

The bill was with a committee provision, introduced by Senator Pressler, which set new standards for the price to be charged to foreign governments for the leasing of U.S. naval vessels. In its report, the committee indicated the amendment was intended to end the navy's practice of providing U.S. ships on a rent-free basis to such countries as Greece, Italy, and Turkey.

MAP Costs

The final act contained a committee provision which amended section 503(3) of the Foreign Assistance Act to delete the cost of U.S. military salaries from the overall cost of FMS-purchased training and services for countries which purchase the training with MAP funds.

Security assistance organizations

The committee authorized larger overseas military groups in fiscal year 1986 in Pakistan, Tunisia, El Salvador, Honduras, and Sudan. The committee deleted Venezuela from the list of countries requested by the Administration. Conferees agreed on language which authorized such larger groups on a permanent basis in the above-designated countries.

Reporting requirement

The committee adopted language narrowing the reporting requirement on U.S. arms sales in Section 25 of the Arms Export Control Act to include only developing countries, excluding countries such as Japan, Australia, New Zealand, and NATO and Warsaw Pact countries. This provision was passed by the full Senate but not adopted in conference.

Sensitive Technology

In Senate floor action, Senator Glenn won passage for an amendment requiring submission of a notification under Section 36(b) of the Arms Export Control Act before delivery of any major defense article if the sensitivity of technology or capability of the article or service to be delivered were enhanced or upgraded prior to delivery, regardless of the dollar amount of the upgrade. The provision was included in final law.

In a floor statement, the Senator explained that current law required notification and congressional approval only for the initial sale of major defense equipment, and the subsequent upgrades which improved the capability and technological levels of that equipment could be implemented by the executive branch without additional notification to Congress unless those upgrades exceeded dollar thresholds in the Arms Export Control Act. The Senator specifically cited the example of the Administration's decision to upgrade sophisticated radar equipment for F-16 fighters sold to Pakistan after the original sale had cleared congressional review.

Both Senator Pell and Senator Lugar spoke in favor of the amendment on the floor, with Senator Pell citing that similar language had been approved unanimously by the committee in 1983 and again in 1984. The House had no comparable provision in its bill.

Conventional Arms Transfers Report

The final law contained a provision which urged the President to consult with U.S. allies and initiate discussions among the United States, the Soviet Union, and France aimed ultimately at limiting and controlling the transfer of conventional arms to less developed countries. The provision was a compromise between language in the Senate bill, offered as a floor amendment by Senator Hatfield and Senator Pell and adopted during Senate consideration, which urged multilateral negotiations and required submission of a report, and a provision in the House bill which required submission of a conventional arms transfer report. Senator Hatfield indicated that the amendment was in response to rising trends in arms transfers to Third World countries.

The final law also contained the following House provisions which were not features of the Senate committee's bill:

—a change in the definition of the types of security assistance surveys reported to Congress

—authorization for the President to provide allies with reciprocal training and support for defense personnel

—clarification on U.S. military personnel to be included in certain required quarterly reports

—establishment of a ceiling of $750 million on the amount of cash military sales the President can approve in any fiscal year to any country after having waived congressionally-imposed restrictions

—full costing of FMS military training, with the exception of grant IMET recipents, and for reciprocal cost arrangements for training programs with NATO countries, Australia, New Zealand, and Japan

ECONOMIC SUPPORT FUND (ESF)

Although an economic assistance program, the ESF is part of the security assistance portion of the foreign aid budget. ESF aid is primarily offered to countries of special interest to the United States in pursuit of important American political and security objectives. It has been a fast-growing foreign aid program in recent years, supporting regional peace efforts and military base agreements overseas; but, in addition, ESF programming has included increasing numbers of long-term development projects, particularly in Africa.

ESF Policy

The enacted law contained a Senate committee provision, introduced by Senators Biden and Lugar, which strengthened the development aspects of ESF as well as the reporting and justification requirements in the current law. The provision clarified language in the Foreign Assistance Act (FAA) governing ESF to make the link between development and economic support assistance more explicit; directed that at least 50 percent of local currency generated by commodity import programs (CIP) and other import programs be programmed for development activities; and required that the already requisite annual Congressional presentation document include a justification of the uses and purposes of ESF, delineating cash grants from development project aid.

Middle East assistance

As enacted, the foreign aid authorization bill included $3.8 billion for ESF for the next two fiscal years—about the level of ESF in 1985, but a reduction from the $4 billion sought by the President. The law also contained a Senate-passed provision which earmarked about half of this amount, $2.015 billion, for Israel and Egypt, and which authorized the remaining $1.826 billion for all other countries. In addition, during floor debate, Senator Lugar introduced an amendment to provide $2.008 billion in supplemental fiscal year 1985 assistance to Israel and Egypt, with $1.5 billion earmarked for Israel, $500 million for Egypt, and $8 million for the Middle East Regional Program. In its report, the committee indicated its anticipation of a supplemental request prior to the bill's floor consideration. The supplemental became part of the public law.

Egypt

With respect to Egypt, the final law contained a number of provisions that originated in the Senate. One was a requirement that all ESF funds for Egypt be on a grant basis. Conferees compromised on a second provision, introduced originally in Committee by Senator Boschwitz, that required specified sums to be transferred to Egypt on a cash basis in an effort to help and encourage Egypt's economic reforms and development efforts. As introduced in committee and passed by the Senate, the provision provided that up to $200 million and not less than $165 million for fiscal year 1987 be in the form of a cash transfer; as finally enacted, the bill permitted up to $115 million of these funds for Egypt be in the form of a cash transfer, with the understanding that Egypt would undertake economic reforms and development activities in addition to those which would be undertaken in the absence of the cash transfer. The final law also stated the sense of the Congress that the President would advise Congress in advance of the cash transfer.

Israel

For the 2nd consecutive year, the committee approved early first quarter disbursement of ESF funds for Israel to help maintain its foreign currency reserves as it undertakes economic austerity measures. The amendment in committee was offered by Senators Boschwitz, Biden, and Cranston. Similar language was contained in the House bill, and the provision became public law. The committee also adopted another amendment by Senators Boschwitz, Biden, and Cranston restoring a pre-1980 provision which permitted countries receiving direct U.S. economic assistance, such as Israel, Turkey, and Lebanon, to bid on AID contracts for construction and engineering services in developing countries.

Conferees also acceded to a House provision which required the President to ensure that the level of ESF cash transfers to Israel would not adversely affect the total level of nonmilitary exports from the United States to Israel.

Cyprus

The committee adopted an amendment by Senator Pell which increased and earmarked ESF for Cyprus from the $3 million requested by the Administration to $15 million, stating in report language that the funds were to be used for education scholarships and refugee resettlement. The $15 million level was also stipulated in the House bill, and the measure became part of the public law.

The House-passed bill contained another provision, absent in the Senate bill, which authorized appropriations of $250 million in fiscal year 1985 or in future years for assistance to Cyprus. The provision further stated that such assistance could be provided only if the President certified to Congress that Greek and Turkish Cypriots had made substantial progress toward settlement of the

Cyprus dispute. Conferees agreed to a version which expressed the sense of the Congress that such assistance could be authorized at an appropriate future time should progress be made on the Cyprus question.

Portugal

The Committee adopted an amendment by Senator Pell which earmarked $80 million in ESF for Portugal. The provision was included in the public law.

Commodity Import Programs

Conferees adopted a version of a Senate provision, originally introduced in Committee by Senator Zorinsky, which earmarked 20 percent of ESF used for commodity import programs for the purchase of agricultural commodities from the United States. Conferees agreed on an amount of no less than 18 percent.

Funds for Nuclear Facilities

Both the House and Senate committee bills contained provisions prohibiting the use of ESF funds under the bill for financing the construction, operation, maintenance of, or supplying of fuel for, any nuclear facility in a foreign country unless the President certified to Congress that the country is a signatory to the Non-Proliferation Treaty, cooperates fully with the International Atomic Energy Agency, and pursues non-proliferation policies consistent with those in the United States. The House provision, which was agreed to by conferees, in addition allowed funds to be provided to countries who were signatories of the Treaty for the Prohibition of Nuclear Weapons in Latin America (the Treaty of Tlatelolco).

Lebanon

With respect to Lebanon, the final foreign aid bill contained neither the Senate Committee provision introduced by Senator Boschwitz, which prohibited any fiscal year 1986 ESF funds from being used in Lebanon, nor the House provision, which earmarked ESF funds for Lebanon under certain conditions. In their report, conferees stated their views on a number of points: that they supported general United States policy in Lebanon to remove all foreign troops from that country, preserve its territorial integrity, and ensure security along its borders; but that higher priority must be assigned to obtaining the release of American hostages, that development funds were not provided in the act because effective development assistance cannot be carried out in Lebanon under present circumstances, and that private voluntary organizations should continue to be the vehicles for giving humanitarian assistance to Lebanon. Conferees further stated their opposition to efforts to reprogram, for other purposes, economic assistance funds which the Congress had previously authorized and appropriated for Lebanon, and stated that if the funds intended for Lebanon could not be spent there, they should revert to the U.S. Treasury.

In addition to the above provisions, the final law contained in whole or in part the following provisions originating in the House:

—a sense of Congress provision that the U.S. should finance cooperative projects of a scientific and technical nature involving Israel, Egypt, and other Middle Eastern countries

—a provision earmarking certain funds for the tied aid credit program

DEVELOPMENT ASSISTANCE

Overall, P.L. 99-83 froze development aid programs at current fiscal year 1985 levels. Congressional sponsors of recent major new initiatives—most notably increases in health projects and the establishment of the Child Survival Fund—were able to sustain at least some of the momentum for these activities in the fiscal year 1986-87 legislation. The enormous pressures presented by domestic budget deficit reduction proposals convinced many legislators to refrain from pushing too extensively for increased development assistance funds.

Population planning and health assistance

The most controversial development aid policy issue erupted over the matter of U.S. family planning programs. The issue focused on the continuation of American support for organizations that use their own funds for abortion-related activities or that continue to conduct voluntary programs in countries which are alleged to conduct coercive abortion practices. During late 1984 and early 1985, the administration withheld U.S. funds from the International Planned Parenthood Federation (IPPF) and the U.N. Fund for Population Activities (UNFPA). Administration policy was attacked from both sides as one group charged that the President had gone beyond congressional intent by withholding funds while others argued that the Executive branch had not gone far enough and should terminate all U.S. support for the UNFPA.

Conflicting positions representing both sides emerged from the actions of both houses on the bill. The committee bill contained an amendment, offered by Senators Kassebaum and Pell, which provided that nongovernmental and multilateral organizations may not be subject to more restrictive requirements than those imposed on foreign governments for the purposes of establishing eligibility for U.S. population assistance. In adopting this language, the Committee also rejected a Helms amendment to the amendment which would have added a sentence concerning infanticide or abortion. The Kassebaum/Pell amendment, which was adopted by a 9-7 vote, was in response to a 1984 decision (announced at Mexico City International Population Conference) by the Administration to prohibit U.S. population assistance to provide organizations which performed or actively promoted abortions, while permitting foreign governments to remain eligible for U.S. assistance as long as U.S. funds were not used for abortions. The committee also adopted, by a 13-3 vote, a provision introduced by the Chairman on behalf of Senator Helms which prohibited assistance for population programs in any country which permitted, either officially or in practice, infanticide or coerced abortion, or for any organization which had programs in such a country. In addition, the Senate bill contained a provision, introduced by Senator Kassebaum, which specifically prohibited U.S. funds for any population planning programs in the People's Republic of China (PRC), and which required the President to instruct U.S. representatives to any international organization to which the U.S. contributed to oppose that organization's assistance to population planning programs in the PRC. In adopting these amendments, the committee intended to respond to widespread concerns about reported instances of coerced abortion and infanticide in that country.

The House bill placed restrictions on funds for population programs in the People's Republic of China (PRC), including authority for the President to withhold funds from UNFPA based on a determination regarding coerced abortion, coerced sterilization, or infanticide in the PRC. Conferees, unable to resolve these differences, elected to drop all policy language regarding U.S. family planning programs from the final public law.

In other related matters, the committee adopted an amendment by Senators Pell, Mathias, and Dodd which added $20 million to the Administration's request for population assistance, $40 million to its request for health assistance, and $25 million, authorized as a separate line item, for the Child Survival Fund.

Immunization

Conferees accepted a Senate floor provision which established as a goal for AID the protection from immunizable diseases of 80% of all children in countries receiving development assistance, through provision of oral rehydration salts and immunizations by 1990.

Private sector revolving fund

In its bill, the Committee extended the authority for the Private Sector Revolving Fund for one additional year and authorized up to $16 million in both fiscal year 1986 and fiscal year 1987 to be deposited in the Fund. The Committee noted in its report that this reflected the level of activity anticipated by AID in fiscal year 1985, although Congress had made available $20 million for this purpose in both fiscal year 1984 and fiscal year 1985. The committee also noted its disappointment that AID had not funded the fund up to the Congressionally-authorized levels in the past. Conferees accepted a modified House provision on this issue which extended the Fund for two additional years but at the level of $18 million, instead of the $20 million in the House bill, for each of fiscal year 1986 and fiscal year 1987.

Private and voluntary organizations

The committee bill included a technical amendment to Section 123 of the Foreign Assistance Act, which permitted ongoing programs of private voluntary organizations (PVOs) to continue when deemed useful in countries subject to prohibitions on assistance; the amendment stated that the required report to Congress setting forth the reasons for continuation of the PVO program be transmitted within 30 days after the decision to continue support has been made, rather than within 30 days of the date the prohibition became effective, as required by the Foreign Assistance Act. The House bill left current law in place but extended the reporting requirement from 30 days to 90 days after the date the prohibition became effective. The conference substitute maintained current law but extended the reporting requirement to one year.

The committee bill also contained a provision by Senator Pell, cosponsored by Senator Lugar, which directed the President to provide not less than 15% of the AID program budget through PVOs. The provision was identical to provisions adopted by the Committee for the past several years. Conferees adopted a provision which raised the 12% earmark in current law (which the House in its bill had proposed keeping) to 13.5%, set a target of 16%, and extended the requirement through fiscal year 1989. In its report, the Senate Committee reaffirmed its strong support for the principle of establishing a minimum amount of funding for the PVO role in the U.S. bilateral aid program.

Housing guarantees

The Administration requested an extension of the Housing Guaranty Program through September 30, 1987, and an increase of only $45 million in order to accommodate the two loans anticipated during the program's phase-out pursuant to treaty obligations in Panama and Portugal. The committee adopted this provision, as well as a technical amendment to delete the present country average of $15 million, after obtaining the Administration's assurance that AID would continue to address the housing needs of the developing world with resources other than the guaranty mechanism. Conferees accepted a version of the House's provision on the guaranty program; the final Act increased the overall level of guarantees by $200 million and provided that the authority provided in the Act and in subsequent appropriations acts must be used to the extent made availalbe.

Trade Credit Insurance Program

The committee adopted an amendment by Senator Zorinsky which extended the Trade Credit Insurance Program for Central America for an additional year at the current level of $300 million of guaranties. Conferees accepted a modified House provision, which provided for a two year extension of the program and set the aggregate ceiling on outstanding guarantees under the program at $300 million for fiscal year 1986 and $400 million for fiscal year 1987.

Democratic Cooperatives

The committee adopted an amendment by Senator Boschwitz, identical to one adopted by the committee the previous year, which allowed the provision of U.S. development assistance through rural and urban cooperatives offering low and middle income persons in developing countries the opportunity to participate directly in democratic decision-making. A similar provision was contained in the House bill, and became part of public law.

Agricultural and productive credit and self-help programs, and minority set-asides

As the Senate had no comparable provisions, conferees accepted the following House provisions:

—to extend the Agricultural and Productive Credit and Self-Help Community Programs until September 30, 1987.

—to require that unless otherwise determined by the Administrator of AID, 10% of development assistance funds would be available only for minority businesses.

—to earmark $5 million of development assistance in FY86 and FY87 for cooperative programs among the U.S., Israel, and developing countries.

—to require that target populations for development assistance by determined by use of poverty measurement standards.

OTHER ASSISTANCE PROGRAMS

American Schools and Hospitals Abroad (ASHA)

As finally enacted, PL99-83 contained a provision authorizing $30 million for the ASHA program. In considering the bill, the committee adopted an amendment by Senators Mathias, Pell, and Dodd, to restore the proposed cut of $20 million contained in the President's fiscal year 1986 budget request, and urged the President in its report to propose realistic funding levels for the ASHA program.

International organizations and programs

The committee bill included a provision, introduced by Senators Pell, Mathias, and Dodd, which increased by $71.5 million the Administration's request for voluntary U.S. contributions to selected international organizations, raising the amount to just under the fiscal year 1985 authorization level. In addition, the bill adopted the following earmarking amendments offered in Committee: by Senator Mathias, earmarking U.N. Development Program (UNDP) funds at fiscal year 1985 levels and the U.N. Children's Fund (UNICEF) at $53.5 million; by Senator Pell, earmarking the U.N. Environmental Program (UNEP) at fiscal year 1985 levels. In adopting the higher funding levels, the committee in its report reaffirmed its deep commitment to the specialized agencies providing technical assistance to the developing world. The committee specifically noted that, contrary to its practice of the last several years, it was not earmarking specific amounts for each organization funded under this account.

The House bill did contain earmarks for all international organizations and programs for fiscal year 1986 and fiscal year 1987, and conferees accepted the House language. In addition, the final law included a House provision on funding for the International Atomic Energy Association (IAEA) which made the U.S. contribution to that organization conditional upon a determination by the Secretary of State that Israel is not denied its right to participate.

The final law also included a Senate provision, introduced by Senator Pressler in Committee, which updated the current prohibition on aid to the PLO, SWAPO, and Cuba, and which added Iran, Syria, and Libya to the list of prohibited countries. In addition, the final law contained House language prohibiting aid to the PLO, and a House requirement that the Secretary of State report to Congress on the amount of funds expended by each international organization in the prohibited countries and the amounts contributed by the United States to each organization.

The final enacted law was also identical to the committee bill in its silence on two points: the U.S. share contribution for programs in Communist countries (the House version had required a reduction in U.S. contributions), and assistance to countries whose votes in the United Nations General Assembly coincided less often with U.S. votes than did the votes of the Soviet Union (the House version required prohibition of U.S. assistance to such countries).

INTERNATIONAL TERRORISM AND FOREIGN AIRPORT SECURITY

The Senate committee, acting in May of 1985, limited its action on international terrorism assistance to extension of the authorization for the anti-terrorism program through fiscal year 1987 at the level of $5 millon. The committee noted in its report that it rejected the Administration's request to permanently authorize the anti-terrorism program and to repeal Section 573(d)(4) of the Foreign Assistance Act prohibiting use of the program's funds for procuring equipment and commodities on the U.S. Munitions List.

The House, acting several months later after the hijacking of an American TWA commercial airliner and a rash of airport and airline bombings, included an entire Title on international terrorism assistance in its bill. Among its provisions were an authorization for $9.8 million for each of fiscal year 1986 and fiscal year 1987, authorization for munitions transfers, and repeal of the two-year sunset provision. The final public law included these House provisions intact as well as others in modified form which were not provisions of the earlier Senate committee bill.

Prohibitions on imports and exports

In floor action, the Senate adopted an amendment by Senator Specter, with modifications by Senator Mathias, which authorized the President to prohibit imports from Libya and any other country determined to be engaged in terrorism, as well as exports of certain goods and technology to Libya or any other country determined to be so engaged. Senator Mathias' modifications gave the authority to make such determinations to Congress, by joint resolution, and required the President to adhere to the consultation and reporting requirements contained in Section 204 of the International Emergency Economic Powers Act. The House provision on this point required the President to prohibit U.S. imports from and exports to Libya, and U.S. imports of goods and services from countries supporting terrorism. Conferees agreed on modified language concerning Libya, agreed to prohibit only U.S. imports from countries other than Libya, and agreed to language on consultation and reporting requirements.

In addition, conferees agreed to the following provisions which had their genesis in the House bill:

—a requirement that the Secretary of State be responsible for coordinating U.S. anti-terrorism assistance

—a provision for the President to prohibit assistance to countries granting sanctuary to terrorists or terrorist groups

—provision for the President to seek establishment of an international terrorism committee
—a sense of Congress provision that the President negotiate a viable treaty to respond to terrorist attacks
—provisions establishing foreign airport security standards and procedures, including authority for the President to invoke general air carrier boycotts, and procedures for sanctions, public notification, reports to Congress, and suspension of foreign assistance to countries with substandard airports.

INTERNATIONAL NARCOTICS CONTROL

In its action on the bill, the committee adopted a provision authorizing use of Economic Support Funds as well as Development Assistance funds to develop programs stimulating broader development opportunities in countries where there is illicit narcotics cultivation. In addition, an amendment providing for the International Narcotics Control Act of 1985, offered by Senators Chiles, Biden, and Nunn, was adopted by the full Senate in floor action on the bill. The amendment contained a number of positions strengthening both U.S. and international participation in narcotics control enforcement. As similar provisions were contained in the House bill, the final law contained the strongest language ever enacted by Congress on this subject, including:
—repeal of an old law forbidding U.S. officials from being present during direct anti-narcotics police actions in foreign countries
—an earmark of $1 million of grant military assistance for aircraft used in narcotics control
—a requirement that U.S. narcotics control assistance be provided to foreign countries only on a 75%-25% cost-sharing basis
—mandates for more specific action in the cases of Jamaica, Bolivia, and Peru by directly tieing U.S. economic aid to these countries to their earnest and successful actions to control narcotics production.

WESTERN HEMISPHERE

The committee, after extended consideration, approved a comprehensive, multiyear economic assistance package for Central America that was substantially the same as that requested by the Administration and recommended by the National Bipartisan Commission on Central America.

Central America democracy, peace, and development initiative

Consonant with the Commission's recommendations, the committee adopted a six-section chapter to the FAA which set forward a series of findings on United States policy toward Central America relating to the building of democracy, economic and political development, respect for human rights, and regional peace. The committee rejected an amendment by Senator Dodd which would have replaced this section's comprehensive policy statement toward Central America with language making the efforts of the Contadora process the centerpiece of United States policy toward Central America. In its report, the committee indicated a general belief that language elsewhere in the new section already registered sufficiently strong support for the Contadora process. The House bill contained nearly identical findings to those in the final committee bill, and it is the House version that the conferees accepted.

The committee also adopted a provision setting forth a general policy that the President impose such conditions on U.S. assistance as he may find necessary to achieve the purposes stated in the findings, and shall consult with Congress in doing so. This provision was included in the final public law; no comparable provision was in the House bill.

The committee also authorized the President to enter into negotiations with representatives of Central American countries to establish an organization for economic cooperation. The committee adopted an amendment by Senator Mathias which designated the proposed organization as the "Central American Development Organization" (CADO). The House bill contained nearly identical provisions, and conferees agreed to the House provisions.

The committee authorized a multi-year funding plan for economic assistance to Central America at a level of $1.2 billion for each of fiscal years 1987 through 1989, debating an amendment by Senator Kassebaum, which failed on a tie vote, which would have rescinded the multi-year authorization. In providing for a 2-year authorization, the conference report provided funds for such assistance in fiscal years 1986 and 1987. In addition, conferees adopted the provision for fiscal year 1988–89 funding at $1.2 billion, as provided in the Senate committee bill.

In report language on this section, the committee encouraged USIA to provide funding for graduate and undergraduate scholarships for National University Central American students studying in Costa Rica.

El Salvador

In its deliberations, the committee considered and rejected an amendment by Senator Dodd which would have established conditions and certification requirements on the provision of assistance to El Salvador. The committee also adopted language, which the Senate later passed, which would have removed the reporting requirements on aid to El Salvador. This provision was lost when conferees agreed to different House language.

In floor action, the Senate adopted an amendment, which was included in the final public law, expressing its sense that President Duarte be commended for his outstanding leadership. Senator Lugar stated for the record that the Committee was pleased to accept the amendment.

The final public law made several important departures from past congressional practice on aid to El Salvador. It did not specify the amount of aid to be given, and it exempted El Salvador from prohibitions in U.S law against aid to foreign police forces. It also suspended a past requirement that aid could be given only if the President had certified that certain conditions had been met and substituted a new, less restrictive provision that aid will be given "in the expectation that" certain conditions will be met.

Nicaragua

The final public law included a provision of the Committee bill, introduced by Senator Pell, which prohibited the use of any funds under the Foreign Assistance Act or the Arms Export Control Act to provide assistance of any kind, either directly or indirectly, to persons or groups engaged in insurgency against the Nicaraguan government. The committee provision also prohibited the U.S. Government from entering into agreements or understandings with recipients of U.S. assistance or purchasers of U.S. military equipment to provide such assistance. The purpose of this latter provision was to prohibit the United States from furnishing economic or military assistance on the condition that the recipient or purchaser provide assistance to insurgents in Nicaragua.

In floor action, the Senate adopted a number of other provisions which were included either in whole or in part in the final law. Among these were: a provision that none of the funds shall be used so as to violate U.S. obligations under the charter of the OAS or under other treaty commitments; and a provision calling on the democratic resistance to remove from their ranks any who have engaged in human rights abuses.

In addition, the Senate incorporated into its bill a provision requiring the President to submit to Congress every 90 days a report which includes a discussion of the progress toward negotiations and steps by Contras to comply with the request to remove those responsible for human rights abuses, and an accounting of the U.S. disbursement of funds. Conferees agreed on a combination of this Senate provision and one by the House which also included a discussion of the willingness of Sandinistas to engage in these negotiations. Also, during floor consideration of the bill the Senate adopted a provision (sec. 1101(i)) providing that the President may request additional assistance for the Contras and establishing expedited procedures for Senate consideration of such a request. Conferees agreed on a combination of the Senate provision and a similar House provision which also provided that the President may request assistance for a Central American peace process. The Senate also adopted language, incorporated in the final public law, which listed among steps the President is urged to take against Nicaragua the development of trade and economic sanctions with other countries.

In addition to these Senate provisions, the final public law included the following House provisions on this issue:

—a provision expressing support for national reconciliation in Nicaragua and for a national dialogue with the opposite group

—a sense of Congress expressing concern over various policies of the Nicaraguan government and listing expected corrective steps

—a listing of congressional findings regarding U.S. relations with Nicaragua, including condemnation of the Nicaraguan Government, and support for a democratic resistance

—an authorization for $27 million in humanitarian assistance to the democratic resistance in Nicaragua through March 31, 1986

—a prohibition against administration of assistance provided in this section through the Central Intelligence Agency or Department of Defense

—a requirement that the President establish procedures to prevent diversion of assistance for military purposes

—an authorization of $2 million for implementation of a Contadora agreement if and when one is reached.

Conditions on aid to Haiti

The committee adopted language reauthorizing use of funds for programs to assist Haiti in halting significant illegal emigration from Haiti to the United States. This was also a provision in the House bill, among others relating to Haiti. Conferees adopted the House language.

Administration of justice

The committee bill authorized specific programs to strengthen the administration of justice in Latin America, and specifically waived section 660 of the Foreign Assistance Act. In so doing, the committee in its report stated that it in no way intended for the authority to be used to reinstitute a general program of police assistance, which is prohibited by Section 660 of the FAA. In its deliberations on this provision, the committee rejected an amendment by Senator Dodd which reaffirmed section 660 and prohibited extension of assistance to police agencies.

Conferees agreed to the House provision on this issue, which was similar but imposed additional restrictions on investigative capabilities and placed a ceiling of $20 million on the funds to be used.

Employee stock ownership plans

The final public law contained a Senate committee provision setting forth a congressional declaration encouraging the use of employee stock ownership plans (ESOP) in U.S. Central America assistance programs. The provision urged the President to establish a task force to examine the expanded use of ESOP's and report to Congress on its findings by December 31, 1985.

Exemption of certain equipment from Chile prohibition

The public law contained a Senate committee provision which lifted the prohibition on military assistance and sales to Chile of certain safety-related devices such as cartridge-actuated devices and technical manuals for the F-5E/F or A/T-37 type aircraft sold to the Chilean Air Force before January 1, 1976.

Guatemala

The final law prohibited military assistance—except for military training assistance—to Guatemala unless the President reported to Congress that a civilian government has been duly elected and has made progress in controlling the military and eliminating human rights abuses. Once these conditions have been met, Guatemala can receive up to $10 million in FMS financing, none of which can be used in the rural resettlement program.

Reports on the foreign debt in Latin America

In floor action, the Senate adopted an amendment which required, by October 1, 1985, a report by the Secretary of State on the magnitude of the foreign debt of Latin America and on U.S. policies to deal with that crisis. The amendment also required a report, by October 1, 1985, by the Secretary of the Treasury on the degree to which the crisis affects the U.S. banking system and on steps being taken to deal with that crisis. Senator Lugar and Senator Pell both made floor comments commending the amendment. Conferees agreed to the Senate provision, with an amendment requiring both reports to be made by the Secretary of State and changing the date to January 1, 1986.

Hogs and cattle

Committee members Senator Pressler and Senator Melcher introduced a floor amendment, incorporated in the final public law, calling on the President to discuss with Canada a reduction in the export of Canadian cattle and hogs to the United States.

Training assistance for Argentina and Brazil

Not incorporated in the final law was a Senate committee provision exempting training assistance for Argentina and Brazil under the Foreign Assistance Act from prohibitions in that act (except those relating to police training and human rights) so long as those governments continue to have democratically elected governments. Conferees agreed to the House version on this issue, which contained no comparable provision.

AFRICA

Tunisia

In recognition of Tunisia's economic problems and its efforts to remedy them, the Committee adopted by voice vote an amendment by Senator Boschwitz to earmark not less than $20 million in economic support funds and not less than $15 million in MAP funds for Tunisia. Senator Boschwitz stated that although the levels were slightly below the Administration's request, it was not his intention to prevent the Administration from fully funding Tunisia. In adopting the amendment, the committee indicated its intention to establish a floor for economic assistance to that country. A slightly modified version of this provision was included in the final public law, along with House language recognizing the traditional U.S. friendship with Tunisia and basing the assistance on the expectation that democratic institutions in that country would continue to grow.

Africa famine recovery development fund

In floor action, the Senate adopted an amendment by Senator Kasten to establish a $100 million no-year fund (sec. 308) for long-term development in Africa. Senator Lugar urged the amendment's adoption during floor debate. Conferees agreed to the House version, which contained no such provision.

Mozambique

In floor action, the Senate agreed to an amendment by Senator Helms, as modified at the suggestion of Senator Lugar, which prohibited military assistance to Mozambique unless the President certified to Congress within 30 days after enactment of the bill and every 180 days thereafter that the government is making a concerted effort to comply with internationally recognized human rights standards, is making continued progress in implementing essential economic and political reforms, and is committed to holding free elections no later than September 30, 1986. The concern raised by Senator Lugar was to soften the amendment's original wording, which called for foreign military personnel in Mozambique to be reduced to no more than 55 by September 30, 1986. The final language called for a plan to be implemented by the September 30 date. This language was incorporated in the final law. Also incorporated into the final law was a modified House provision placing restrictions on economic assistance to Mozambique. No comparable provision was considered by the committee.

South Africa

In floor action, the Senate agreed to an amendment by Senator Glenn which became part of the final public law, expressing the sense of Congress against the South African Government's homeland policy.

In addition, the pulic law incorporated in whole or modified form the following House provisions on South Africa:

—a provision placing restrictions on the use of that ESF Commodity Import Programs (CIP) in Africa in fiscal year 1986–87
—an earmarking of ESF for regional programs in southern Africa
—a prohibition on use of ESF funds for education and training programs conducted or financed by the South African Government
—an earmark of ESF for the Human Rights Fund for South Africa for direct assistance to political detainees and their families
—authorization of Sahel Development Program funds to help Sahelian governments improve their administrative capabilities relative to donor country projects and activities
—repeal of the Clark Amendment which, since 1976, had barred U.S. assistance to rebel forces in Angola (a comparable provision was contained in the Senate-passed State Department Authorization bill)
—various statements of U.S. policy relative to problems in Sudan, Liberia, the Western Sahara, and Ethiopia.

ASIA

The Philippines

The issue of military assistance to the Philippines generated much debate in the committee's deliberations. In its report, the Committee expressed its unanimous agreement that political failures, civil liberties suppression, corruption, economic mismanagement, and military excesses in the Marcos regime had made the present situation extremely dangerous, and that U.S. bases in the Philippines could be in jeopardy as a consequence. Members of the Committee differed in their views as to what actions should be taken to pressure the Marcos government into implementing basic reforms.

The principal debate in committee was over an amendment by Senator Kerry which would have reduced MAP grant assistance from $50 million to $25 million and FMS credits from $50 million to $15 million. The funds would have been made available only upon presidential certification that the Philippine government had made significant progress in correcting abuses by the military. The amendment also required certification of the government's intent to hold free and fair local elections in 1986 and national elections in 1987, and certification that the government had cooperated fully in the Aquino assassination investigation.

Senator Lugar and others on the committee expressed full agreement with the purpose of Senator Kerry's amendment; nevertheless, in its report the committee indicated that the majority of its members felt the amendment's provisions would unduly constrain the Administration and fail to accomplish the desired objectives. The committee rejected the amendment by a vote of 8–9, leaving in place the Administration's request for $50 million in MAP, $50 million in FMS credits, and $95 million in ESF. In other action, the Committee authorized 30-year repayment terms for market rate FMS loans extended to the Philippines. The 30-year repayment provisions became part of the enacted law.

In floor action, the Senate adopted several additional amendments relating to the Philippines. One was an amendment by committee member Senator Kerry, expressing the sense of the Senate that Congress should encourage revitalization of democracy in the Philippines and affirming Congress' intent to grant future aid according to congressional determination that progress is made on implementing basic reforms and solving existing political problems in the Philippines. Senators Lugar, Pell, Murkowski, and Cranston spoke up for the amendment in floor debate. Conferees agreed to a compromise between this provision and a similar House provision, including a specific note that U.S. assistance may be deferred if significant progress in implementing the reforms is not achieved.

In other floor action, the Senate adopted an amendment stating its sense that the State Department should not prevent U.S. wheat sales to the Philippines. Conferees accepted the House version, which contained no comparable language.

Afghanistan

The Committee bill allowed use of ESF and Development Assistance funding to provide food, medicine, or other humanitarian assistance to Afghanistan; this action was consistent with earlier Congressional action in providing $2 million for medical assistance in the fiscal year 1984 Supplemental Appropriations bill. The committee bill permitted use of the funds to support a program being developed by an interagency task force to address these concerns. In its report, the Committee noted its continuing concern with the plight of the Afghan people, and noted that some degree of flexibility in standard audit procedure should be available in view of the nature of the program.

In floor action, the Senate adopted an amendment earmarking $15 million in ESF funds for such purposes, beginning in fiscal year 1985. Senator Lugar urged unanimous adoption of the amendment by the Senate; Senator Pell asked to be added as a cosponsor of the amendment. The conference report earmarked $15 million in ESF beginning in fiscal year 1986, and expressed recognition that flexibility in audit procedures would be necessary.

Pakistan

The final law contained a committee provision, offered by Senators Mathias, Pressler, and Boschwitz, which required, as a condition of further military sales to Pakistan, that the President present written certification to Congress that Pakistan has no nuclear explosive device and that the proposed U.S. assistance would reduce significantly the risk of Pakistan possessing such a device. In its report language, the committee indicated the provision was identical to one it adopted the previous year, and further stated that the amendment was directed to Pakistan because that country is the only aid recipient with a statutory exemption from nuclear non-proliferation requirements in Section 669 of the Foreign Assistance Act.

Support for anti-communist resistance forces

A major theme in the final bill was the approval of a series of open assistance programs to a series of non-government, anti-communist resistance forces battling governments backed by the Soviet Union or Soviet clients. Previously, such programs had been conducted quietly under covert operations of U.S. intelligence agencies. In addition to the $27 million in humanitarian aid to Nicaraguan contras, the $15 million in ESF to Afghanistan, and the repeal of the Clark Amendment previously discussed, the final law authorized $5 million in ESF and MAP assistance to the anti-communist Cambodian resistance forces. An amendment to make these funds available in fiscal year 1986 was introduced in the Senate by Senator Lugar on behalf of committee members Senators Kassebaum and Dole. In addition, the Senate adopted a floor amendment prohibiting funds under any act from being used to aid the Khmer Rouge.

Conferees agreed on a compromise which authorized up to $5 million in ESF and MAP for each of fiscal year 1986 and fiscal year 1987 and prohibiting aid to the Khmer Rouge.

Republic of China (ROC) membership in the Asian Development Bank

In floor action, the Senate adopted an amendment expressing its sense that the ROC should remain a full member of the Asian Development Bank. No such provision was included in the House version, and the provision did not become part of the public law.

In addition to these measures, the final public law contained several measures relating to Asia which originated in the House. Among these were:

—a provision directing the President to report to Congress regarding the quality of life of Ameriasian children and to recommend steps to enhance their lives

—sense of the Congress provisions concerning democracy and political stability in both Sri Lanka and the Republic of Korea

FOOD AND AGRICULTURAL ASSISTANCE

International development funds

The committee adopted an amendment by Senator Mathias which expressed support of continued U.S. funding for the International Fund for Agricultural Development (IFAD), indicated that funds for the second IFAD replenishment would be authorized upon the President's recommendation, and expressed the committee's support for possible reprogramming of existing resources in pursuing a strong U.S. role in establishing a special fund for Africa within IFAD. In floor action, the Senate also adopted an amendment which reaffirmed the commitment of the American people to help the famine-threatened Sub-Saharan countries and which authorized up to $100 million from any FAA funds to be used for long-term agricultural recovery and development in that region. Conferees agreed on a compromise which authorized up to $50 million for each of fiscal years 1986 and 1987 for the second IFAD replenishment, and which noted continuing U.S. support for African famine relief and indicated that authority already existed for additional U.S. contributions if warranted.

The final law also reflected a committee provision introduced by Senator Pressler which called for exploration of possible long-term agricultural commodity agreements with food deficit countries and requested a report from the President on the results of efforts to achieve such agreements by June 1, 1986.

In addition to these Senate provisions, the final law contained a number of House amendments to the Agricultural Trade Development and Assistance Act of 1954 (P.L. 480) on issues that were not under the jurisdiction of the Senate Committee but had been reviewed by the Senate Committee on Agriculture, Nutrition, and Forestry. The Senate Committee bill did not contain comparable provisions, nor did the final bill passed by the Senate.

PEACE CORPS

The committee approved an amendment by Senator Dodd which provided $128.6 million in new authorization in order to continue funding at the fiscal year 1985 level. The committee did not approve an Administration request to authorize the Peace Corps to sell its publications to the public at cost and deposit the proceeds to the Peace Corps appropriation.

In floor action, the Senate adopted an amendment by committee members Senators Dassebaum and Cranston which required the establishment of a Peace Corps National Advisory Council that would be required to advise and make recommendations to the President and the Peace Corps Director and to report periodically and make recommendations to Congress. The amendment also prohibited the use of any political test or qualification in the selection of individuals for overseas Peace Corps positions or in the promotion of such personnel, and this provisions was included in the final law by the conferees. In addition, conferees agreed on a substantially similar provision concerning the Council which stated that the Council should report to and make recommendations to Congress as it considers it appropriate to do so, and which made minor changes in membership and voting requirements.

In addition to these provisions, the following House provisions were contained either in whole or in part in the final law:

—a statement on the policy and purpose of the Peace Corps and setting targets for numbers of volunteers

—a limitation on length of Peace Corps employment

MISCELLANEOUS PROVISIONS RELATING TO FOREIGN ASSISTANCE

Streamlining of program notifications

The committee adopted an Administration proposal to streamline and standardize various overlapping reporting requirements which made the FMS program subject to the same reprogramming notification process as is used for Development Assistance, ESF, and Military Assistance programs. The section also provided that AID need not notify Congress unless a proposed reprogramming exceeded by 10% the amount already justified to Congress for an activity in a fiscal year, and established a threshold of $25,000 on reprogramming notices fo International Military Education and Training (IMET) and International Narcotics Control funding. The committee approved a similar IMET threshold last year.

U.S. assistance to coal exporting nations

In the State Department Authorization bill (S. 1003), the committee directed the Export-Import Bank to provide a report on assistance which other countries provide to the production and exportation of coal. Conferees accepted this language in S. 960, with an amendment that the study be conducted by the President rather than Exim Bank and a requirement that the report be submitted to Congress.

Prohibitions against assistance

The committee approved a provision which authorized the President to remove prohibitions against assistance to specified countries if he determined such action was important to U.S. national interests. Conferees accepted the House language on this provision, which was similar but stated that consideration in making such a determination should be given to that country's commitment to democratic principles.

Other provisions

The committee considered and adopted a number of provisions which were later passed by the Senate but which were not accepted in the conference report. Included was an amendment by Senators Boschwitz, Biden, and Cranston, identical to an amendment the committee had approved the preceeding year, which permitted construction firms from aid-recipient countries to bid on certain AID construction and engineering contracts. In its report, the committee indicated that the amendment could potentially assist Israel, Lebanon, and Turkey to improve their economic situations.

A second committee provides not accepted in conference was one exempting from withholding requirements the scholarships or fellowships grants or per diem of non-resident aliens engaged in training programs in the U.S. financed under the FAA. In its report, the committee noted that this would only affect withholding requirements, not tax liability.

The Senate bill also repealed a requirement that the President make semiannual reports listing all voluntary U.S. contributions to international organizations, a provision not included in the final law.

The final law also contained, in whole or in part, the following House provisions:

—requiring a Presidential report to Congress before funds can be made available to a country which has been determined to have made significant improvements in its human rights measures

—requiring a Presidential report on economic conditions in Egypt, Israel, Turkey, and Portugal

—a sense of Congress provision that U.S. assistance to Egypt is given in the expectation that Egypt will continue its efforts in the peace process

—a requirement that the Senate and House authorizing Committees be notified of reprgramming under 634A of the FAA to the same degree and with the same conditions as notification to the appropriations committees.

OTHER MISCELLANEOUS PROVISIONS

Codification of policies relating to the Palestine Liberation Organization (PLO)

The committee adopted an amendment by Senators Boschwitz, Cranston, and Biden which was identical to one it adopted last year and which reaffirmed the 1975 side letter stating that the U.S. would not recognize or negotiate with the PLO until and unless the PLO recognizes Israel's right to exist. The amendment allowed for negotiations in emergency or humanitarian situations. In its report, the Committee stated that its intention was to prohibit indirect, back-door negotiations using an intermediary such as those which took place in 1981 and 1982 involving the security of Israel. House language on this point was almost identical, and conferees agreed on the provision.

In floor action, the Senate agreed to an amendment offered by Senator Kennedy and committee member Senator Mathias to provide for a 5-member Commission for the Preservation of America's Heritage Abroad. Conferees agreed on a modification of the House provision, providing for a 21-member Commission.

The final law contained a House provision which directed that the Secretary of Commerce establish a Federal Coal Export Commission.

Both the Senate and House bills contained a number of provisions which conferees judged should be conferenced in more appropriate legislation. These provisions were dropped without prejudice by the conference committee. All of those which had been part of the Senate bill were adopted as floor amendments and were not originally part of the Committee's bill. The provisions that were dropped dealt with extradition treaties, an International Narcotics Control Commission, U.S. scholarship programs for develping countries, National Endowment for Democracy programs in South Africa, Soviet policy toward Soviet Jewry, Japanese self-defense responsibilties, foreign exchange intervention policy, crisis stability and control study, arms control building in Geneva, delays in construction of the U.S. embassy in Moscow, representation of women and minorities in the Foreign Service, employees of the United Nations, a refugees in Thailand, and imports of South African coal and uranium.

Appropriations levels

While the foreign assistance authorization bill for fiscal year 1986-87 established budget ceilings and broad policy guidelines for U.S. economic and military aid programs, final decisions on precise funding levels for foreign assistance were set in the Foreign Assistance Appropriation Act, 1986. This legislation, H.J. Res. 465, received final approval on December 19, 1985. Pressures to restrain all government budgets were great, and foreign assistance, a program that already enjoyed minimal political support, was subjected to additional cuts in spending.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1985

The Overseas Private Investment Corporation (OPIC), created by Congress in 1969, is a wholly-owned government corporation with a mandate to foster economic development in friendly developing nations by encouraging U.S. private investment in these countries. In pursuit of this mandate, OPIC provides qualified U.S. investors with a variety of investment incentive programs, with loan guarantees and direct loans, and with insurance against political risks including expropriation, war, revolution, insurrection, civil strife, and currency incontrovertibility.

On April 18, 1985, Senator Lugar introduced on behalf of OPIC proposed legislation (S. 947) to amend the Foreign Assistance Act to extend OPIC's operating authority and make other modifications in OPIC's statute.

The major provisions of the draft legislation extended OPIC's issuing authority for four years until September 30, 1989; increased from 20 to 50 the number of OPIC personnel exempt from civil service laws; updated country per capita income limitations in existing law to reflect 1983 dollars; increased, from 10 percent to 25 percent, the portion of OPIC's maximum contingent liability that may be issued to any one investor; created a new category of potential loss "due to business interruption"; exempted OPIC's risk-pooling arrangement with comparable organizations in other countries from requirements that OPIC projects have positive developmental effects; provided OPIC with authority to retain public accountants for annual audits and financial statement preparation; modified the definition of "eligible investor"; codified OPIC's tax exempt status; and reserved to OPIC the exclusive use of its name.

The Committee on Foreign Relation's Subcommittee on International Economic Policy held a hearing on the bill on July 25, 1985; the full committee began consideration and mark-up of the bill on September 24 and completed its action on October 1, ordering the bill favorably to be reported, by a vote of 11-3, with an amendment in the nature of a substitute. On October 10, 1985, the committee so reported the bill to the Senate (S. Rept. 99-156).

In its consideration of S. 947, the committee recommended that the Senate accept a number of the amendments which the draft bill made to OPIC's statute. However, the committee deleted several of the draft bill's provisions and made changes in others. Specifically, the committee deleted the provision allowing for an increase in the number of civil service-exempted employees, thus leaving the number exempted in current law (20) in effect. The committee also denied the creation of a new "business interruption" category for OPIC insurance coverage, stating that OPIC did not appear able to define precisely what this coverage would entail or what potential losses would be associated with such coverage. In addition, the committee refused to modify the definition in existing law of "eligible investor," determining that the current definition adequately met the requirements of potential U.S. investors. The committee also refused to exempt OPIC from current requirements that its projects have "positive development effects." Finally, the committee reduced from 25 percent to 15 percent the portion of OPIC's contingent liability which the draft bill allowed to be issued to any one investor.

In addition to these changes, the committee adopted two entirely new provisions not contained in the draft legislation. One was an amendment by Senator Sarbanes which prohibited OPIC, subject to Presidential waiver, from operating in countries that did not adopt internationally recognized worker rights as defined in Section 502(a)(4) of the Trade Act of 1974. The provision, similar to provisions adopted in 1984 relating to preferential trade treatment, reflected concern that denial of worker rights could provide countries eligible for OPIC programs with unfair advantages in export sales and in attracting investment away from the United States. In the second new provision, the committee added language creating a pilot program of facultative reinsurance in order to encourage greater availability of political risk insurance for eligible investors.

As finally reported by committee, then, S. 947 included these two new provisions, extended OPIC's operating authority for four years until September 30, 1989, increased OPIC's maximum contingent liability for single investors from 10 percent to 15 percent, codified its tax exempt status, provided it with authority to retain public accountants, gave it exclusive rights to its name, and updated country per capita income limitations to 1983 dollars.

On November 14, 1985, the Senate took up S. 947 under a unanimous consent agreement. Senator Byrd introduced an amendment on behalf of Senator Metzenbaum which terminated the extension of OPIC's authority to operate on July 1, 1987 instead of September 30, 1989, as called for in the legislation, and required OPIC to report to Congress at the end of one year on the impact of its overseas operations on employment in the United States. The Senate agreed to this amendment by voice vote, and the bill passed the Senate by voice vote on November 14.

On December 3, 1985, the House took up S. 947, struck all after the enacting clause, and substituted its version of the OPIC reauthorization legislation, H.R. 3166. The House bill had been reported out by the House Committee on Foreign Affairs on September 23, 1985 (H. Rept. 99-125). The House passed S. 947, as amended by H.R. 3166, on December 3, 1985, by voice vote. On the same day, the House by voice vote insisted on its amendments to S. 947 and requested a conference with the Senate. The Speaker appointed Representatives Fascell, Hamilton, Bonker, Mica, Gejdenson, Berman, Broomfield, Lagomarisino, Roth, and Bereuter as conferees.

The Senate disagreed to the House language by voice vote on December 5, 1985, agreed to a conference, and appointed as conferees Senators Lugar, Mathias, Evans, Pell, and Sarbanes.

In the conference on S. 947, Senate and House conferees agreed to language which substituted for both the Senate version of S. 947 and the language substituted by the House. In the final conference report (H. Rept. 99-428), conferees agreed to the Senate language on the following provisions:

—requiring OPIC to operate its programs only in countries taking steps to adopt and implement laws extending internationally recognized worker rights, subject to Presidential waiver. (The House bill had contained a similar provision but without the Presidential waiver.)

—creating a pilot program of facultative reinsurance. (The House bill had contained a substantially similar provision, with minor differences.)

and to the House language on the following provisions, for which the Senate bill had contained no comparable language:

—applying to OPIC projects the same environment and natural resources standards now applicable to AID; prohibiting OPIC support for projects determined by OPIC to pose health, safety, or environmental hazards; requiring OPIC to notify host government officials of relevant environmental protection standards.

—requiring OPIC to publish and make available its policy guidelines.

Conferees took special note of the worker rights provisions which had been contained in both versions of the legislation, and stressed that OPIC would be expected to review annually the worker rights situation in each of the countries in which it intended to operate, including those in which the President had exercised a waiver.

In addition, conferees agreed to modifications or compromises between the two versions in several instances. Senate conferees agreed to a House provision which authorized a new form of OPIC insurance for loss due to "business interruption,"—language which the Senate committee had deleted in its consideration—but with an amendment which established congressional review procedures on the new coverage. Senate conferees also agreed to a House provision which permitted OPIC to engage in pooling and risk-sharing agreements with multilateral insurance or financing agencies, but with an amendment which retained existing law (Section 231) requiring all OPIC-insured projects to have positive developmental effects. The resulting language changed existing law by limiting OPIC's risk-sharing agreements to multilateral entities rather than extending it also to other national insurance entities.

The conferees agreed to a Senate provision which required a GAO report, one year after the date of enactment, on the impact of OPIC's operations on employment in the United States, but with a modification contained in the House bill which also required the study to include the effects on employment in the United States of each OPIC project. The conference version of this provision also required OPIC to consult with the Committee on Foreign Relations and on Foreign Affairs in determining the methodology and scope of the unemployment and employment reports. Finally, conferees agreed on a compromise to extend OPIC's operating authority through September 30, 1988; the Senate version had extended operating authority through July 1, 1987, while the House version had extended it through September 30, 1989.

The final version of S. 947 contained those provisions specifically agreed to in conference, as stated above, as well as the following provisions on which there had been no disagreement: a limit of 15 percent of OPIC's maximum contingent laibility that may be issued to one country, codification of OPIC's tax exempt status, authority to retain public accountants, exclusive rights to its own name, and per capita income limitations listed in 1983 dollars.

On December 12, 1985, the Senate agreed to the conference report on S. 947 by voice vote. The House agreed by voice vote on December 11. The President signed the bill into law on December 23, 1985 (Public Law 99-204).

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

Increasing turmoil in South Africa over that government's apartheid policies led to the enactment of legislation in 1986 that imposed sanctions against South Africa. President Reagan disapproved of many of the sanctions in the legislation, and attempted to forestall passage by renewing his Executive Order of 1985 and by promising new executive orders that would impose limited sanctions. Despite this, both Houses of Congress proceeded with legislation that culminated in what some considered one of the most serious foreign policy confrontations between the 99th Congress and the Administration, leading finally to an override of a presidential veto. In an action which heightened controversy over the issue and placed additional pressure on the Senate Foreign Relations Committee, the House, during floor consideration of its sanctions bill on June 18, 1986, unexpectedly approved by voice vote a substitute by Congressman Dellums that struck the milder language of H.R. 4868 and replaced it with a comprehensive trade embargo on South Africa and a requirement that all U.S. firms disinvest from South African enterprises and leave the country within 180 days of enactment. With passage of the tough House bill virtually assuring the President's veto, the Senate Foreign Relations Committee held four days of hearings, on July 22, 23, 24, and 29, 1986, on the situation in South Africa.

On July 30 and August 1, 1986, the Committee considered pending legislation on the issue, including S. 2701, introduced by Senators Lugar, McConnell, and Durenberger, and S. 2636, introduced by Senator Kassebaum. As introduced, both pieces of legislation proposed economic and other sanctions on South Africa designed to promote political, economic, and social change and encourage establishment of a nondiscriminatory democratic system. At the outset of the two meetings, S. 2701 was made the mark-up vehicle for the committee's deliberations, and on August 1, by a vote of 15-2, the committee ordered S. 2701 favorably reported with an amendment in the nature of a substitute which incorporated amendments which the committee adopted. Senator Trible also joined the bill as a cosponsor on August 1.

As passed by the committee, S. 2701 codified the provisions of the President's 1985 executive orders, which essentially placed trade prohibitions on various goods and services imported from and exported to South Africa. These included prohibitions on the following: loans to South Africa and its entities; U.S. exports of computers and related technology to agencies of the South African Government which enforced apartheid; export of nuclear materials and sensitive technology not related to humanitarian needs; the import of arms, military equipment, or manufacturing data from South Africa; and the import of Krugerrands.

In addition, S. 2701 took a number of actions which went beyond the President's executive orders. The bill prohibited new investments in companies in South Africa, though permitting exceptions for the extension of short-term trade credits and reinvestment of profits generated in South Africa. The bill also embargoed imports from companies owned or controlled by the South African Government, and banned all U.S. imports of uranium ore, uranium oxide, and coal from that country. Another provision in the committee-passed bill terminated a bilateral air agreement, permitting the cut-off of air links between both countries. Entities owned or controlled by the South African Government were prohibited from using U.S. banks except for consular or diplomatic purposes, and the Secretary of State was authorized to deny visas to South African Government officials on a case-by-case basis. Finally, the bill also authorized the President to sell U.S. gold resources in order to affect the price of South African gold exports.

In addition to these amendments, S. 2701 provided for the imposition of further sanctions within one year if the President determined that the South African Government had not made substantial progress in dismantling apartheid, and made provision for lifting or modifying the economic sanctions it imposed if the South African Government attained certain objectives. The bill also authorized certain sums for scholarship and training programs for black South Africans—$8 million in fiscal year 1987, rising to $15 million in fiscal year 1989 and beyond—and provided $1.5 million in each fiscal year for human rights programs in South Africa.

One of the most significant amendments which the committee considered during its action on S. 2701 was one by Senator Cranston which would have substituted the House bill, with its tough disinvestment provisions, for the language in S. 2701. (A comparable measure had been introduced in the Senate as S. 2570 by Senators Cranston, Kennedy, and Weicker.) The committee defeated the Cranston amendment by a vote of 7-10.

In addition, the committee defeated several orther amendments by Senator Cranston which would have strengthened the sanctions provisions in S. 2701. The first of these substituted sanctions language which codified the President's 1985 order but also imposed additional trade and investment sacntions to those called for in the Senate bill. This amendment was defeated by a 7-10 vote. The second amendment called for a prohibition on imports of South African textiles. Senator Cranston indicated that it was inappropriate for the Administration to have signed a textile agreement providing for an increase in textile imports from South Africa at a time when Congress was considering imposing sanctions on that country. The amendment was defeated by a vote of 8-9.

By a vote of 13-4, the committee accepted a comprehensive amendment by Senators Mathias and Evans which included provisions banning uranium and coal imports and as well as new investment, prohibiting new loans with exceptions for short-term trade credits and sales on open accounts, requiring feasibility studies on the banking prohibitions and arms embargo violations called for in the bill, modifying the list of actions which the South African Government could take to mitigate U.S. sanctions, and modifying the additional sanctions available to the President should substantial progress on apartheid not be made within one year. The committee also adopted, on a 10-4 vote an amendment offered by Senator Murkowski to add a ban on strategic minerals to those additional sanctions which the President could recommend within one year.

The committee refused to accept a number of amendments which either would have weakened the intent of the bill or deleted one or more of the bill's provisions. One of these was an amendment by Senator Helms, as modified by Senator Pressler, which noted the official steps the South African Government has taken in the past to end apartheid (defeated 4-13). Senator Pressler also proposed an amendment, defeated 4-13 in committee, to strike the provision authorizing the President to sell U.S. gold resources. Senator Pressler indicated that the bill's provision as it stood was overly harsh and insufficiently targeted on South Africa, and that it would drive down the world price of gold, to the detriment of U.S. industry and other countries of importance to the United States. The committee also rejected an amendment by Senator Helms which prevented the President from suspending air links with South Africa while permitting air links with the Soviet Union (defeated 3-14) and rejected an amendment by Senator Kassebaum which deleted the provision allowing the Secretary of State selectively to deny visas to South African officials (defeated 4-10). The committee also defeated by voice vote, an amendment by Senator Helms modifying one of the five conditions for the termination of U.S. sanctions to permit a refusal by Nelson Mandela to repudiate the philosophy contained in a document introduced at his trial to satisfy the first of the five conditions.

In other action, the committee first defeated and then accepted language which deleted the bill's requirement that the President report to Congress within 180 days on violations of the international arms embargo against South Africa and which provided the

President with the option of recommending, one year after enactment, termination of U.S. military assistance to those countries violating the embargo. Senator Murkowski's amendment to delete this provision in the Mathias/Evans amendment was defeated by a vote of 6–11. Later, at the request of Senator Pell, the committee reconsidered Senator Murkowski's amendment and accepted it by a vote of 9–8, thus deleting the provisions from the bill. In a third vote, the committee accepted by a vote of 10–7 an amendment by Senator Kerry which reinstated the deleted provisions, requiring the President to submit a report on arms embargo violations within 179 days after enactment and permitting prohibition of U.S. military assistance to those countries to be one of the steps the President could recommend if South Africa had not made substantial progress toward dismantling apartheid.

The committee also adopted a number of other amendments. These included an amendment by Senator Helms modifying language in the Mathias/Evans amendment, which required that all political parties be unbanned, to require that only democratic parties be unbanned (adopted 12–4), and three amendments by Senators Pressler, Helms (as amended by Pressler to be sense of Congress language), and Boschwitz which, respectively, permitted use of the African Emergency Reserve to meet food shortages, expressed the sense of Congress that the African National Congress should condemn "necklacing" and take steps to prevent it, and encouraged the President to work with U.S. allies to bring opposition leaders and South African Government officials together for negotiations.

On August 6, 1986, S. 2701 was reported with additional views (S. Rept. 99–370) with an amendment in the nature of a substitute. The Senate took up S. 2701 on August 9, 1986, by unanimous consent. Two cloture motions were presented on the same day, and on August 13 cloture was invoked by adoption of the first such motion by a vote of 89–11.

In some of its most significant actions on the legislation; the Senate rejected a number of attempts to toughen the Committee bill language. By a vote of 65–33, the Senate rejected a Cranston amendment similar to one which the Committee had rejected, which attached the text of the House bill to S. 2701. The Senate also refused to pass an amendment by Senator Biden which made additional sanctions mandatory in one year rather than discretionary. The amendment was rejected on a 55–44 tabling vote.

The Senate adopted a number of amendments which had been originally rejected by the committee. The Senate adopted Senator Cranston's amendment, banning textile import, by a vote of 67–29; adopted Senator Pressler's amendment concerning U.S. gold sales by a vote of 58–41; and adopted Senator Kassebaum's amendment concerning visas for South African officials by a unanimous vote of 99 yeas. In floor comments on her amendment, Senator Kassebaum indicated her belief in the importance of maintaining access between U.S. and South African Government officials or private citizens. Senator Lugar and Senator Pell both supported the amendment on the floor.

The Senate also adopted several amendments offered by Committee Members which had not been offered in committee. By a vote of

67-31, the Senate accepted a modified amendment by Senator Helms calling on the South African Government and African National Congress (ANC) to renounce violence. The Senator's original, unmodified amendment, which was supported by Senators Lugar and Dole but termed by some non-committee Members as a "killer amendment," set conditions for the ANC and related groups to meet before the United States would demand they be included in negotiations with the official government. With the passage of the compromise, Senator Helms indicated he would refrain from offering his additional 14 amendments.

Senator Sarbanes also offered an amendment, which the Senate passed (failing to table, by a 42-56 vote), which provided for an immediate suspension of air links between the United States and South Africa. The Senator indicated that suspension of the bilateral air agreement, which had been agreed to by the committee, required a one-year notification period, and that air links would continue through this period absent other action by Congress. The Senate also adopted an amendment by Senator Boschwitz to exempt black-owned firms from punitive sanctions in the bill, and an amendment by Senator Kerry to give to the Philippines that portion of the sugar cane quota now allocated to South Africa, and a modified amendment by Senator Dodd which barred imports of companies involved in marketing as well as in manufacturing but permitted U.S. imports of agricultural products to continue. The modification was made after Senator Dole pointed out that South Africa had retaliated against agricultural import bans in the past by refusing to buy farm products from the country imposing the ban.

On August 15, 1986, the Senate passed H.R. 4868, by a vote of 84-14, by substituting the provisions of S. 2701 as amended, and requested a conference. Senator Lugar increased pressure on the House to concur in the Senate amendment and achieve passage of a sanctions measure in the 99th Congress, first warning that Congress did not have enough time to pursue the conference process, adopt a final bill, and override the likely presidential veto, then appointing himself and Senator Helms and Pell as conferees, on September 8, 1986. (Senator Lugar and Helms both said they would refuse to accept changes to the Senate bill in the event of a conference.)

On September 12, 1986, the House agreed to the Senate amendment to H.R. 4868 by a vote of 308-77. President Reagan vetoed H.R. 4868 on September 26, 1986, and on September 29 the veto message was received in the House (H. Doc. 99-273). The House overrode the veto on September 29 by a vote of 313-83. The Senate overrode the veto on October 2, 1986, by a vote of 78-21. H.R. 4868 became Public Law 99-440. On October 9, 1986, S. 2701 was indefinitely postponed.

AFRICAN FAMINE RELIEF AND RECOVERY ACT OF 1985

In response to the growing emergency in Sub-Saharan Africa, the 99th Congress took early action in 1985 on legislation to provide food and non-food assistance to the drought-affected nations in Africa. The Foreign Relations Committee indicated its concern by holding early hearings on Famine in Africa on January 17, 1985, noting for the record that the severity of the crisis in Africa demanded immediate consideration and action.

S. 689, as enacted, amends the Foreign Assistance Act of 1961 to create a section authorizing appropriations to provide relief, rehabilitation, and recovery assistance to drought-stricken African countries. The bill authorizes $175 million in fiscal year 1985 non-food emergency assistance for Africa, including $135 million in fiscal year 1985 for grants to private, voluntary, and international organizations, $2.5 million in fiscal year 1985 for the Agency for International Development (AID) to supervise and monitor United States aid to Africa, and $37.5 million for emergency relief to African refugees. It requires two reports from the President: one by June 30, 1985, on U.S. aid to famine-stricken countries in Africa, and one by September 30, 1985, on the use of the funds authorized in S. 689.

S. 689 was introduced in the Senate on March 19, 1985, by Senator Lugar and passed the Senate by voice vote on the same day. The House, also by voice vote, approved the bill on March 21. The President signed the measure on April 2, 1985, when it became Public Law 99-8. Earlier, similar legislation—S. 457 and H.R. 1096—had passed both Houses of Congress but had been vetoed (H.R. 1096) by the President on March 6 because Congress had added emergency credit aid to American farmers which made the authorization level unacceptably high.

Dispute over the African aid legislation centered around the amount of the money to be authorized, with Congress generally in favor of significantly more non-food aid than that requested by the Administration. According to the Administration, the United States by early February had provided $486 million in "emergency" food aid and $255 million in "regular" food aid to Africa. The Administration announced the African Hunger Relief Initiative on January 3, 1985, asking Congress to approve the additional emergency food and non-food aid to Africa by early March. Based on AID estimates of the amount of assistance required to meet Africa's needs, the Administration proposed $411 million in additional aid, of which $50 million was non-food assistance. The food assistance portion of the proposal did not require authorization, but was linked with non-food assistance in related appropriations legislation.

Several Members of Congress disagreed with the Administration's projections on the amount of additional aid needed, and as a result, four appropriation bills providing for greater levels of assistance were introduced in addition to the Administration's plan, S. 457, introduced by Senator Lugar (on request of the Administration). These bills were: S. 370 (Melcher), providing $395 million for ocean transportation and $135 million for inland transportation of emergency food supplies; S. 423 (Kennedy) making an open-ended appropriation through fiscal year 1986 of whatever amount was needed to provide half of Africa's emergency food needs; H.R. 100 (Wolpe), seeking $229 million in non-food aid; and H.R. 606 (Roukema), providing $135 million to meet refugee, health, and Africa reconstruction requirements.

In initial action on legislation to aid Sub-Saharan Africa, the Foreign Relations Committee reported S. 457 on February 21, 1985 (S. Rept. 99-4), with an amendment in the nature of a substitute, having increased the amount of non-food assistance from the $50 million requested by the Administration to $175 million. In considering the bill, the committee took two significant actions. One was the waiver of the "Hickenlooper amendment" (section 620(e)(1) of the Foreign Assistance Act of 1961) to ensure that Ethiopia, currently in violation of the amendment, would be eligible for U.S. assistance under the non-food aid portion of the bill. Second was a provision to allow use of Department of Defense vehicles and personnel to transport assistance. Both of these provisions survived congressional consideration and are now public law. The vote to approve S. 457 in the Foreign Relations Committee was 13–0, with one voting "present." The Senate considered S. 457 on February 25, 26 and 27, but did not adopt any amendments relating to the African provisions of the bill. (The Senate passed H.R. 1096, 62–35, by substituting the language of S. 457, as amended.)

Subsequently to passage of S. 689, Congress enacted a Supplemental Appropriations bill (P.L. 99–10) for $175 million to carry out the provisions of the African Famine Relief and Recovery Act.

JORDAN SUPPLEMENTAL ECONOMIC ASSISTANCE AUTHORIZATION ACT OF 1985

Senate bill S. 1308 was designed to authorize supplemental economic assistance to Jordan for fiscal years 1985 and 1986. The Reagan administration had requested the supplemental assistance because Jordan's economy was faltering, and because the Administration wanted to show its support for King Hussein in the wake of staunch congressional resistance to President Reagan's proposed arms sale to Jordan.

Senator Lugar introduced S. 1308 by request on June 17, 1985. The original bill, as written by the Administration, authorized $250 million in Economic Support Fund grants to be made available through September 30, 1986. Of this amount, $100 million would be delivered thrugh the Commodity Import Program (CIP), $100 million would be a cash transfer, and $50 million would be added to project assistance funds. This $250 million was to be in addition to the $90 million in military aid and $20 million in economic aid that had already been approved by Congress for fiscal year 1985. The Administration argued that the supplemental aid was needed to shore up Jordan's economic stability to enable King Hussein to begin meaningful peace negotiations with Israel.

The Foreign Relations Committee held a public hearing on June 19, on the implications of such a large amount of assistance to Jordan. Objections to the bill focused on two issues: first, the lack of constraints on the cash transfer, and second, that it might be a dangerous step toward a larger commitment of aid to Jordan.

On June 20, the committee ordered the bill reported with amendments by a vote of 14–2. The committee had approved two key amendments to S. 1308. The first was introduced by Senator Cranston with the intent of matching the provisions of the Kasten amendment, which was being considered by the Appropriations

Committee. The effect of Senator Cranston's amendment was to stretch the aid out over three fiscal years, making it last until September 30, 1987, instead of September 30, 1986, as requested by the Administration. Also, it eliminated the cash transfer element and designated $160 million ($50 million each in fiscal year 1985 and 1986, and $60 million in 1987) for commodity import programs, the remaining $90 million for specific public works projects ($30 million each year).

The second amendment adopted by the committee was introduced by Senator Pell. The Pell amendment stated that Congress would consider Jordanians requests for major military aid only after Jordan had entered into direct peace negotiations with Israel.

Later on June 20, Senator Lugar introduced the committee's version of S. 1308 as a new Title IV, amending the fiscal 1985 supplemental appropriations bill, H.R. 2577. Title IV was then agreed to by the Senate by voice vote.

After its provisions were attached to the omnibus supplemental appropriations bill as Title IV, S. 1308 was reported, without a written report, on June 25. The Senate passed a $13.9 billion version of H.R. 2577 on June 20, and had agreed to form a conference committee with the House, which had passed its own $13.4 billion version on June 12. The main areas where the two bills differed were aid to the Nicaraguan rebels, funding for water projects, and economic assistance for Jordan.

Title IV was finally accepted by the conferees after the House conferees struck some language in their version of H.R. 2577 which would have prohibited aid to Jordan. In addition, the conferees agreed on a House amendment clarifying that the funds for Jordan be available through fiscal year 1987 and specifying in more detail amounts to be disbursed by certain dates.

The conference committee agreed to its report on July 26, (H. Rept. 99-236), and reported H.R. 2577 on July 29. It was then adopted by the House on July 31 and by the Senate on August 1. After some final agreements were reached on water project funding, H.R. 2577 was cleared for the President August 1, and was signed into law September 4, 1985 (P.L. 99-88).

SPECIAL DEFENSE ACQUISITION FUND

S. 1726 repealed section 121(b) of the International Security and Development Cooperation Act of 1985 (Public Law 99-83) which had amended the Arms Export Control Act by expanding the sources of funding for the Special Defense Acquisition Fund. The bill was introduced by Senator Dole on behalf of Senator Lugar on October 1, 1985, and was placed on the Senate calendar without being referred to committee.

On October 10, 1985, the Senate considered and passed S. 1726, by voice vote after first adopting an amendment in the nature of a substitute introduced by Senator Dole on behalf of Senator Lugar. The amendment clarified the purpose of S. 1726, which was to reinstate certain provisions of law that were in effect on September 30, 1985, with respect to the Special Defense Acquisition Fund. The House passed the bill by voice vote on October 17, 1985, and on October 30, 1985, the bill became Public Law 99-139.

CONGRESSIONAL VETOES OF ARMS EXPORT PROPOSALS

S. 1831 amended various sections of the Arms Export Control Act to provide for congressional veto of certain arms transfer proposal by joint resolution. As specified in floor debate, the bill granted no new powers to Congress, but simply provided the same expedited procedures for joint resolutions as were previously enjoyed by concurrent resolutions of disapproval. The 1983 Supreme Court decisions in *INS* v. *Chadha* and related cases had struck down the use of concurrent resolutions as legislative vetoes.

Senator Cranston introduced the bill on November 5, 1985. It was reported on December 12, 1985 (without written report) and the Senate passed the bill on December 19, 1985, by voice vote. On February 3, 1986, the House passed S. 1831 by voice vote and it was signed by the President on February 12, 1986 (Public Law 99-247).

UNIVERSAL CHILD IMMUNIZATION

Senate bill S. 1917, entitled the Universal Child Immunization Act of 1986, authorized appropriations of additional foreign assistance funding for the Child Survival Fund, to be directed toward child immunization programs.

The text of the bill detailed a series of findings by Congress, noting in particular the high death and disability rate of children due to lack of immunization from major childhood diseases, and called upon the President to direct the Agency for Intenational Development and to appeal to the public and private sectors in the U.S. to work in a global effort to achieve universal access to childhood immunization by the year 1990. The bill also amended the Foreign Assistance Act to increase the fiscal year 1987 appropriation authorization for the Child Survival Fund from $25 million to $75 million, of which $50 would be used to carry out the immunization program.

Senator Bradley introduced the bill for himself and 61 cosponsors on December 10, 1985. The committee ordered the bill reported with amendments on July 31, 1986, by voice vote. The House passed the legislation on September 25, 1986, and the bill was reported with amendments on August 8, 1986 (S. Rept. 99-385).

In its report, the committee noted the following actions it had already taken in the 99th Congress on the child immunization issue: the reporting S. Res. 227, a resolution introduced by Senators Lugar and Pell urging a joint U.S.-Soviet effort to achieve worldwide immunization, which the Senate passed on November 5, 1986; and acceptance of a floor amendment by Senator Bradley to S. 960, the foreign assistance authorization, (Public Law 99-83), which expressed the Congress expectation that the Agency for International Development (AID) would achieve an 80% child immunization rate by January 1, 1991.

The Senate passed the bill as amended on August 15, 1986, by voice vote. The House passed the legislation on September 25, 1986, after first amending the bill by adding, as separate titles, legislation to promote democracy in Haiti, to protect tropical fortess in developing countries, to increase the authorization for international narcotics control programs, and several other miscellaneous foreign assistance items.

On October 3, 1986, the Senate received the message from the House and concurred in the House amendment. Senator Stevens offered, on behalf of Senator Lugar, a Senate amendment incorporating all of the language in the House amendment, and this was passed by voice vote. On October 6, 1986, the House concurred in the Senate amendment, and on October 24, 1986, the bill became Public Law 99-529.

CHANGING DEADLINE FOR PRESIDENTIAL TASK FORCE REPORT

S. 1918 amended the International Security and Development Cooperation Act of 1985 to change the deadline for submission of the report by the Presidential Task Force on Project Economic Justice from December 31, 1985 to October 1, 1986. The report related to the expanded use of employee stock ownership plans in U.S. development efforts in Central America and the Caribbean. Senator Lugar introduced S. 1918 on December 10, 1985 and on December 16 it was discharged from the Committee on Foreign Relations by unanimous consent and it passed the Senate by voice vote. The House passed the measure by voice vote on December 18 and it was signed by the President on December 28, becoming Public Law 99-230.

ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986

S. 2572 provided economic support for the November 15, 1985, agreement between the Government of Ireland and the Government of the United Kingdom. The purpose of the bill was to authorize economic assistance for Northern Ireland and those parts of the Republic of Ireland affected by sectarian strife. S. 2572 authorized up to $10 million of Economic Support Fund (ESF) assistance previously appropriated for fiscal year 1986 and $10 million for fiscal year 1987 for a U.S. contribution to the International Fund established pursuant to the Anglo-Irish agreement, and specified that such contributions could only be used to support economic and social reconstruction and redevelopment in Ireland and Northern Ireland. The bill further directed that the President make every effort to ensure that there is U.S. representation on the Board of the Fund, and authorized the U.S. contribution only if the President each fiscal year certified to Congress that certain objectives were being achieved concerning non-discrimination in employment. The committee bill also required an annual report on the Board's activities and on the Fund's disbursements.

Senator Lugar introduced an earlier version of the bill, S. 2139, on March 5, 1986, at the request of the Administration. S. 2139 included $20 million in ESF funding for 2 years, and contemplated a 5-year program for U.S. contributions to the Fund. On March 6, 1986, Senators Pell, Biden, Dodd, Eagleton, and Kerry joined Senators Kennedy and Moynihan in introducing an alternative assistance bill, S. 2149, which authorized $50 million a year to the Fund for 5 years. The committee considered both bills on June 12, 1986, and Senator Lugar offered S. 2572 as a substitute bill, amended by Senator Dodd to include a number of stipulations on assistance contained in S. 2149. The committee reported S. 2572 as an original measure on the same day (S. Rept. 99-326).

In its report language, the committee made clear that it firmly endorsed the Anglo-Irish Agreement, but that despite the views of some committee members favoring a higher level for the U.S. contribution to the Fund, the committee was recommending a lower level because of domestic budget constraints. The committee also limited funding to 2 years, reiterating its reluctance to authorize multi-year funding, and emphasized its understanding that the required report on use of these funds be sufficient to satisfy any audit requirement in U.S. law.

The Senate considered S. 2572 on July 17, 1986. In floor remarks, Senator Lugar pointed out that on June 26, 1986, the Senate had passed the supplemental appropriations conference report for fiscal year 1986, which contained a provision making $50 million available to the Fund in fiscal year 1986, and that the House had already passed an authorization bill, H.R. 4329, for $50 million a year for five years, for a total cash contribution of $250 million. He stated that while the cause was worthy, the United States could ill afford this high a level of funding for a new foreign assistance program at a time when the U.S. international affairs accounts were already strained. Senator Lugar urged the Senate to approve S. 2572, as it contained a level the committee considered to be both prudent and useful. The Senate passed the bill by voice vote on the same day.

On August 13, 1986, the Senate considered and passed H.R. 4329 without referring it to committee. H.R. 4329 was approved on September 19, 1986, and became Public Law 99-415.

PROPOSED ARMS SALES TO JORDAN

On October 21, 1985 President Reagan sent Congress a formal notification of a letter of offer to sell advanced aircraft and air defense systems to Jordan. On October 22, Senator Kennedy, for himself, Senator Heinz, and 72 other cosponsors, introduced Senate Joint Resolution 223, which would have prohibited the sale of advanced weapons to Jordan prior to the start of negotiations between Jordan and Israel. On October 24, 1985, Senator Lugar introduced as a substitute, Senate Joint Resolution 228 which declared that no letter of offer prior to March 1, 1986, would be valid with respect to any sale to Jordan of advanced weapons systems included in the administration's notification of October 21, unless direct and meaningful peace negotiations between Israel and Jordan were underway.

The Senate passed S.J. Res. 228 on the same day it was introduced by a vote of 97-1, without referral to committee. In his statement to the Senate, Senator Lugar emphasized that adoption of S.J. Res. 228 would permit congressional consideration of the President's arms sale proposal over a 120-day period, ending March 1, 1986, rather than the traditional 30-day period, and that a resolution of disapproval of the arms sale proposal would be in order at any point up to the March 1 deadline. In further floor discussion, it was stated that the Senate was not constrained by either the 30-day or the extended deadline, but could act to reject the arms sale at any point prior to delivery.

S.J. Res. 228 was referred to the House Committee on Foreign Affairs on October 28, 1985, and was reported favorably on November 12 (H. Rept. 99-364). The House passed the resolution by voice vote on November 12, 1985. The President signed the measure on November 25, 1985, and it became Public Law 99-162.

REAFFIRMING U.S. SOLIDARITY WITH MEXICO

House Joint Resolution 394 expressed the sympathy of the United States to Mexico on the earthquake tragedy of September 19, 1985. The resolution declared that: (1) the President should provide appropriate relief and rehabilitation assistance to prevent further suffering and safeguard public health, and; (2) the United States is prepared to cooperate with Mexico in long-term relief and recovery efforts. The Senate had passed a similar measure, S. Con. Res. 67, earlier.

Senator Byrd introduced, for Senator Kennedy and eight cosponsors, S. Con. Res. 67 on September 19, 1985. Without referring the resolution to the committee, the Senate agreed to the resolution without amendment, with a preamble by voice vote on the same day.

Congressman Wright introduced H.J. Res. 394 on September 20, 1985. The House passed the bill by voice vote on the same day. The Senate received, considered, and passed the resolution on September 20, 1985, without amendment, by voice vote. The bill became Public Law 99-116 on October 4, 1985.

REAFFIRMING UNITED STATES/COLOMBIAN FRIENDSHIP

House Joint Resolution 459 reaffirmed the friendship of the people of the Untied States with the people of Colombia following the devastating volcanic eruption of November 13, 1985. The joint resolution further declared that Congress encouraged the President to provide relief and rehabilitation assistance to Colombia, and that the United States was prepared to cooperative with Colombia in longterm efforts to help it recover from the disaster. Congressman Fascell introduced the resolution on November 19, 1985, and the House passed it the same day by voice vote. The Senate passed the measure by voice vote on November 23, without amendment and with a preamble. The measure was signed by the President on December 11, 1985, becoming Public Law 99-174.

A similar measure, Senate Concurrent Resolution 89, was submitted in the Senate on November 21 by Senator Lugar. The Senate agreed to this resolution without amendment and with a preamble by voice vote on the same day. S. Con. Res. 89 was not acted upon further.

2. FOREIGN RELATIONS AUTHORIZATION ACT AND RELATED MATTERS

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987

During February and March, 1985, the administration submitted to Congress a series of authorization requests for fiscal years 1986 and 1987 for the Department of State, the United States Information Agency (USIA), the Board for International Broadcasting

(BIB), the Arms Control and Disarmament Agency (ACDA), and for related purposes.

The Senate Committee on Foreign Relations and the House Committee on Foreign Affairs conducted hearings during February, March, and April, 1985 on the respective bills (S. 496, S. 659, S. 732, and S. 785; and H.R. 1931—later renumbered H.R. 2068) and, after making substantive changes to the executive branch request, ordered the measures favorably reported.

The Foreign Relations Committee reported out S. 1003, an original bill on April 25, 1985 (S. Rept. 99-39). Further amending took place on the House and Senate floors, and the House passed its version of the bill (H.R. 2068) on May 9, 1985. The Senate added 52 amendments, many of which were of foreign policy significance, and passed its version of the House bill in lieu of S. 1003 on June 11, 1985, by a vote of 80-17. A conference was requested in the Senate the same day.

Overall spending levels voted in the legislation adhered to the spending "freeze" approved by the House of Representatives May 9, 1985. The total authorization for fiscal year 1986 was $72 million less than the fiscal year 1985 appropriation, and $131 million less than the fiscal year 1986 administration request, while the total authorization for fiscal year 1987 was $355 million less than the request.

The Senate version of the bill included an amendment offered on the floor by Senator Symms that would have repealed the 1976 "Clark amendment" banning any U.S. "covert" aid to warring factions fighting in Angola. The House conferees would not agree to the amendment, however, and the final bill contained no such provision. Such a measure was, however, enacted into law as part of the FY 1986 foreign assistance authorization (PL 99-83, August 8, 1985). In addition, the Senate bill included an amendment authorizing $38 million in humanitarian assistance to the Nicaraguan anti-Sandinista guerrillas (the so-called "Contras"), but the conference version also omitted this item, since House Provisions relating to aid to Nicaragua were also included in the FY 1986 foreign assistance authorization.

The Conference Report to H.R. 2068 (H. Rept. 99-240) was filed in the House July 30, 1985. It was agreed to in the Senate July 31, 1985, by voice vote, and in the House on August 1, 1985, by a vote of 350-74. The measure was signed by the President on August 16, 1985, as Public Law 99-93.

DEPARTMENT OF STATE AUTHORIZATION OF APPROPRIATIONS

GENERAL FUNDING LEVELS

The House version of H.R. 2068 provided for somewhat higher total levels of funding than had been requested by the administration for the Department of State for fiscal years 1986 and 1987. The Senate, on the other hand, authorized less than the administration request for fiscal year 1986 and an even lower amount for fiscal year 1987.

The conferees agreed on a level slightly lower for 1986 than the original administration request, and less than the House but more than the Senate recommendations. The conferees also authorized somewhat less than the administration request for fiscal year 1987.

The following chart tracks the amounts approved during House and Senate consideration of the measure:

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
Fiscal year 1986:				
Administration of foreign affairs	1,844,202	1,852,025	1,756,613	1,828,088
International organizations and conferences	553,574	543,574	534,074	534,074
International commissions	26,278	26,278	26,278	28,704
Science and technology agreements	4,000	4,000	2,000	2,000
The Asia Foundation	9,785	10,000	10,500	10,500
Soviet-East European Research	5,000	5,000	4,800	4,800
Migration and refugee assistance	337,680	351,780	337,680	344,730
Total, Department of State	2,780,519	2,792,657	2,671,945	2,752,896
Fiscal year 1987:				
Administration of foreign affairs	1,902,478	1,910,313	1,756,613	1,873,790
International organizations and conferences	582,519	520,168	534,074	534,074
International commissions	25,824	25,824	26,278	25,824
Science and technology agreements	4,000	4,000	2,000	2,000
The Asia Foundation	10,000	10,000	10,500	10,500
Soviet-East European Research	5,000	5,000	4,800	5,000
Migration and refugee assistance	339,582	351,780	337,680	344,730
Total, Department of State	2,869,403	2,827,085	2,671,945	2,795,918

FUNDS FOR INTERNATIONAL PEACEKEEPING

The legislation repealed the permanent authorization enacted in 1975 for the U.S. contribution to the United Nations peacekeeping force in the Middle East, with funds for this purpose during fiscal year 1986 and fiscal year 1987 to be provided under the administration of foreign affairs account "to the extent authorized and appropriated." The Committee on Foreign Relations also rejected a proposed administration amendment to authorize permanently non-Middle East U.N. peacekeeping activities on the grounds that specific authority for such activities should always be requested.

STATE DEPARTMENT SECURITY FACILITIES AND PERSONNEL EARMARK

On Senator Sarbanes' suggestion in committee, not less than $311 million out of the Department's fiscal year 1986 administration and foreign affairs account was earmarked for embassy security-related capital projects and improvements and the salaries and expenses associated with personnel directly related to security.

USE OF REFUGEE ASSISTANCE FUNDS

Senator Cranston has offered an amendment in committee to earmark $25 million in fiscal year 1986 and fiscal year 1987 for resettlement of Soviet, Eastern European, Ethiopian, and other refugees in Israel. This would have doubled the amounts requested by the administration. The conference retained this earmarking, reducing it to $12.5 million for fiscal year 1986 because the same amount had already been provided in the fiscal year 1985 Supplemental Appropriation Act, and keeping the higher level for fiscal year 1987.

INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

The conference retained an amendment originally offered in committee by Senator Pell to earmark $4.5 million in fiscal year 1986 and fiscal year 1987 for the regular budget of the ICRC and state that it is U.S. policy to contribute to the ICRC in any financial year not less than 20 percent of its regular budget and to support generously the ICRC's special appeals.

UNDER SECRETARY OF STATE FOR AGRICULTURAL AFFAIRS

Senator Pryor introduced an amendment on the floor to create a new Under Secretary of State for Agricultural Affairs. The conference substitute redesignated the current Under Secretary for Economic Affairs as Under Secretary for Economic and Agricultural Affairs.

FOREIGN SERVICE ASSOCIATES

Responding to a number of suggestions that more productive use be made of spouses of U.S. personnel serving overseas at U.S. missions, and that they be given greater opportunities for employment, Senator Mathias introduced an amendment on the floor expressing the sense of the Congress that the Secretary of State should conduct a pilot project designed to achieve that objective and should report to Congress on the design of such a project by February 1, 1986. The conference version made changes including the requirement that the report evaluate the effects of the program on full-time Foreign Service career positions and on overseas positions for Foreign Service national employees.

LATERAL ENTRY INTO FOREIGN SERVICE FOR BUSINESSMEN AND FARMERS

Senator Pressler introduced an amendment on the floor directing the Department of State to conduct a study on the feasibility and desirability of establishing a program of temporary lateral entry into the Foreign Service for farmers, businessmen, and other occupations and requiring a report to Congress on the results of the study 180 days after enactment. The conference substitute was essentially the same, except that it removed reference to the temporary nature of the program.

HEALTH CARE BENEFITS

An amendment originally offered in committee by Senator Zorinsky, and accepted in its entirety by the conference committee, solidified in legislation a recent agreement among the Department of State, GAO, and the American Foreign Service Protective Association to provide a coordination of benefits system that recognizes the Department of State as the primary insurer of Foreign Service personnel abroad and the Foreign Service Benefit Plan as the secondary insurer. This allows the Benefit Plan to offer a low-priced low option health insurance plan that will wrap around the benefits provided by the Foreign Service Act.

EMPLOYEES OF INTERNATIONAL ORGANIZATIONS IN THE UNITED STATES

Senator Roth introduced an amendment on the floor that authorized restrictions on the travel and other activities of all United Nations secretariat employees outside the UN headquarters district. Senator Roth's stated purpose was to prevent the conduct of espionage activities in the United States by U.S. employees. The conference substitute was similar, and also provided for a Presidential waiver in cases where national security and foreign policy considerations require nonapplication of this section.

U.S. CONTRIBUTIONS TO THE UNITED NATIONS IF ISRAEL IS EXPELLED

An amendment to reduce the annual assessed U.S. contribution to the United Nations or its specialized agencies by 8.34 percent for each month in which the United States suspends its participation because Israel has been illegally expelled, suspended, or denied its credentials in the General Assembly or any specialized UN agency, was introduced on the floor by Senator Lugar for Senator Kasten. The conference substitute was identical, although the managers noted that the provision does not apply to programs of the International Atomic Energy Agency that provide for safeguards at nuclear facilities.

UNITED NATIONS ORGANIZATIONS REFORM IN BUDGET PROCEDURES

Reflecting the concerns of some members over certain aspects of financial management and other budgetary matters in the United Nations, Senator Kassebaum introduced an amendment on the floor stating that the United States may contribute no more than 20 percent of the annual budget of the United Nations unless the Secretary of State certifies that the following changes have been made: (1) the UN has adopted a procedure for weighted voting on budgetary matters (based on the proportion of the total budget each member contributes); and (2) the organization has adopted a plan to reduce staff salaries and pensions. The section also provided that if UNICEF does not comply with the amendment, any money for UNICEF in excess of 20 percent of its budget shall remain available to the President for grants to private voluntary organizations.

The conference managers drafted a substitute measure that is similar, but stated Congress' finding that the UN and its specialized agencies have not paid sufficient attention to member governments in formulating their budgets. It then directs the Secretary of State to seek UN adoption of new procedures whereby each member state would have voting rights proportionate to its contributions to the UN and its specialized agencies. The substitutes also requires that no U.S. payment in excess of 20 percent of the UN and specialized agencies budgets be made for fiscal year 1987 or following years unless the UN and its agencies adopt weighted voting on budgetary matters.

Sufficient authorizations was retained in the legislation for the United States to meet its full obligation for calandar years 1986 and 1987. This would provide adequate time for the full assessed contribution to be made, should the UN achieve the intended reforms in the UN fiscal year for which the funds are provided.

The managers also stated their intention to promote meaningful reform in UN budget procedures and expressed their concern about "the apparently high level" of UN staff salaries and pensions. They directed the Secretary of State to conduct a study of UN salaries and pensions and the extent to which they exceed those of the U.S. civil service. The study, along with the Secretary's recommendations on how best to achieve any needed reforms, is to be submitted as a report to the Committees on Foreign Relations and Foreign Affairs by October 1, 1986.

SOVIET NATIONALS EMPLOYED AT U.S. MISSIONS IN THE SOVIET UNION

The House bill prohibited the employment of Soviet nationals at U.S. diplomatic or consular missions in the Soviet Union after September 30, 1986, and expressed congressional willingness to provide funding to replace Soviet citizens at these posts. The conference substitute stated that, "to the maximum extent practicable," Soviet citizens shall not be employed at U.S. missions in the Soviet Union after September 30, 1986. The measure also requested that the President submit a report to Congress explaining any desired exceptions, should he determine that implementation of this provision poses "undue practical or adminsitrative difficulties."

U.S.-U.S.S.R. DIPLOMATIC EQUIVALENCE

Senator Leahy introduced an amendment on the floor establishing U.S. policy that the number of Soviet nationals serving in that country's diplomatic establishment to the United States shall not exceed the number of U.S. nationals admitted to the U.S.S.R. who serve as diplomatic or consular personnel.

The conference substitute stated that the number of Soviet diplomats in the United States should be "substantially equivalent" (no more than plus or minus 5 percent) to the number of U.S. diplomats in the Soviet Union, unless the President determines that the admission of larger numbers of Soviet personnel would be in the best interests of the United States. The measure was intended to prevent the Soviet Union from continuing to enjoy numerical superiority in the number of its diplomatic and consular personnel in the United States.

There was also a requirement that the Secretary of State and the Attorney General should submit not later than six months after the enactment of this Act to the Committee on Foreign Relations and Select Committee on Intelligence of the Senate and the Committee on Foreign Affairs and Permanent Select Committee on Intelligence of the House a report setting forth a plan for achieving the limitation on the number of Soviet diplomats in the United States cited above. The report language indicated that the Secretary of State would thereafter have an annual reporting requirement on progress toward attaining this policy objective.

U.S. INSTITUTE OF PEACE

The House bill and the indential conference substitute expressed the sense of Congress that nominations to the Board of Directors for the U.S. Peace Institute should be submitted to Congress "on a timely basis to permit implementation of the congressional mandate."

UNITED STATES INFORMATION AGENCY AUTHORIZATION OF APPROPRIATIONS

The act included funding levels for the U.S. Information Agency (USIA) that were lower than the President's request for both fiscal years 1986 and 1987, resulting primarily from substantial reductions voted in both the House and in the Senate, but especially because of cuts voted in the Foreign Relations Committee. The committee generally agreed with Chairman Lugar's suggestion that Salaries and Expenses be frozen at the 1985 appropriated level, adding only $2.7 million earmarked for expansion of the USIA Books Abroad program; $15 million to the 1985 Educational and Cultural Exchanges appropriated level; and $31 million to the Acquisition and Construction of Radio Facilities. All other items were frozen at the 1985 appropriated levels.

The conference committee noted that the authorization for USIA for fiscal year 1986 and fiscal year 1987 included not less than $11.5 million in fiscal year 1986 and $11.7 million in fiscal year 1987 to implement the Radio Broadcasting to Cuba Act (Radio Marti).

The following chart tracks the amounts approved during House and Senate consideration of the measure:

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
USIA, fiscal year 1986	973,639	922,286	837,623	887,900
USIA, fiscal year 1987	1,154,177	962,866	844,623	887,900

The executive branch request for fiscal year 1986 of $973.6 million was $177.3 million (22.3 percent) higher than the USIA appropriation for fiscal year 1985. The higher funding level was requested to meet additional operating costs for new USIA staff and programs; to improve the broadcasts and equipment of the Voice of America; and to enhance and expand other USIA programs and activities.

EDUCATIONAL AND CULTURAL EXCHANGES

Amendments to this section, proposed in committee by Senator Pell, earmarked funds for certain categories of USIA-sponsored exchange programs so as to meet the requirements of section 305(c)—known as the "Pell amendment"—of Public Law 97-241. The provision mandated a doubling of exchange-of-persons programs administered by USIA between fiscal years 1982 and 1986. The Senate amendment provided $179,190,000 for fiscal year 1986 and

$192,575,000 for the following USIA educational and cultural exchange activities: (a) $128,899,000 for fiscal year 1986 and $141,996,000 for fiscal year 1987 grants for the Fulbright Academic Exchange Programs and the International Visitor Program; (b) $4,891,500 for fiscal year 1986 and $5,479,000 for fiscal year 1987 Hubert H. Humphery Fellowship Program grants; and (c) $45,400,000 for fiscal year 1986 and $45,100,000 for fiscal year 1987 for grants and exchanges to Latin America and the Caribbean.

The conference provision was identical and the managers stated their view that the earmarked funds for the Fulbright, Humphrey, and International Visitor Programs should be considered only as minimum, or floor, levels for these programs. They also noted that earmarking of lower amounts in fiscal year 1986 should not preclude the executive branch's meeting the requirement of the "Pell amendment." The conference committee urged the executive branch to meet that statutory requirement, and the managers urged USIA to fund fully the other exchange programs, including the private sector program, the Eisenhower Fellows, and the Congress Bundestag Exchange.

USIA BOOK PROGRAM

Chairman Lugar felt this increase was particularly important and therefore introduced an amendment earmarking not less than $2.7 million in addition to fiscal year 1985 allocations for the worldwide book initiative. The comparable House measure provided an increase in funding not less than USIA's requested increase for Worldnet TV. The conference substitute earmarked not less than $7.5 million for both fiscal year 1986 and fiscal year 1987.

BAN ON USIA DOMESTIC ACTIVITIES

Senator Zorinsky introduced an amendment on the floor to prohibit the use of any funds authorized by this act for USIA for influencing public opinion or distributing program materials in the United States. The measure excludes USIA programs carried out pursuant to the Mutual Educational and Cultural Exchange Act of 1961, as amended (Public Law 87-256). The substitute is identical and the report language indicates that the prohibition is not intended to apply to previously released films.

USIA PRIVATE SECTOR PROGRAMS

An amendment was offered on the floor by Senator Zorinsky prohibiting the grant of USIA Private Sector Program funds to organizations unless at least 25 percent of the organization's funds for the proposed grant activity are provided from non-U.S. Government sources.

The conference substitute provided that no such grant can be made unless costs equal to at least 15 percent in fiscal year 1986 and 25 percent in fiscal year 1987 of each organization's exchange and exchange-related programs are provided from non-U.S. Government sources. The substitute also provided (1) an exemption for organizations less than 1 year old, and (2) that no USIA or other Government funds for fiscal year 1986 appropriations be used for grants for 1985 International Youth Year activities.

NATIONAL ENDOWMENT FOR DEMOCRACY

The Foreign Relations Authorization Act for fiscal year 1986 and fiscal year 1987 included a number of provisions in the USIA authorizations relating to the National Endowment for Democracy (NED). In addition to setting NED funding authorization levels for each of fiscal years 1986 and 1987 substantially below the executive branch request of $31.3 million for each year, these included new restrictions on NED activities, a prohibition on NED funding for political parties, new requirements for public access to information on the NED, and provision for USIA audit of NED financial transactions.

Basically accepting House provisions establishing new restrictions on NED operations, the conferees modified the language, requiring that the NED consult with the Department of State on all NED-funded overseas programs prior to their commencement. Other provisions (1) strengthened the prohibition against NED funds being used to finance political campaigns; (2) prohibited the use of NED funds for any activities of the Republican or Democratic National Committees; and (3) prohibited grants to "any institute, foundation, or organization engaged in partisan activities" on behalf of any candidate for public office or any U.S. political party.

Senator Weicker had introduced an amendment on the floor intended to "institute essential reforms" to increase the accountability of the NED and reduce its authorization level. The amendment prohibited NED funds from being used to support the Democratic and Republican National Committees and the National Republican Institute for International Affairs and the National Democratic Institute for International Affairs. The conference version strengthened the prohibition against NED funding for partisan politics, but eliminated the ban on funding the Democratic and Republican Institutes for International Affairs.

The conference measure also required that the NED fully comply with the Freedom of Information Act (FOIA), that USIA facilitate requirements for publishing NED rules and procedures in the Federal Register, and that USIA be responsible for litigation related to the FOIA.

With regard to funding for fiscal year 1986 and fiscal year 1987, Senator Weicker's amendment on the floor had provided that not less than $17.5 million for each of fiscal years 1986 and 1987 would be available for the NED grant, and it earmarked $11 million for each fiscal year for the AFL-CIO Free Trade Union Institute and $2.3 million for the Center for International Private Enterprise. The conference substitute provided not less than $18.4 million for the NED for each of the fiscal years from USIA funds and deleted all earmarks and ceilings for grantees.

BOARD FOR INTERNATIONAL BROADCASTING (BIB) AUTHORIZATION OF APPROPRIATIONS

Funds for BIB operations during fiscal years 1984 and 1985 were authorized as follows:

[In thousands of dollars]

	Executive branch request	House bill	Senate bill	Conference
BIB, fiscal year 1986	142,125	122,325	137,717	125,000
BIB, fiscal year 1987	139,977	127,707	137,517	125,000

IMPROVEMENT OF FACILITIES

The Senate did not earmark funds for modernization of Radio Free Europe/Radio Liberty (RFE/RL) facilities, while the House earmarked $20 million in fiscal year 1986 and $21.03 million in fiscal year 1987. The conference substitute earmarked $20 million for fiscal year 1986 and $18.3 million for fiscal year 1987.

BROADCASTING IN DARI AND PASHTO—"RADIO FREE AFGHANISTAN"

Senator Humphrey introduced an amendment on the floor authorizing broadcasting to Afghanistan as long as it is under Soviet occupation and earmarking $450,000 in fiscal year 1986 and $250,000 in fiscal year 1987 for broadcasts to the Afghan people in the Dari (Afghan Farsi) and Pashto languages, to be called "Radio Free Afghanistan." The conference substitute authorized the broadcasts but dropped the earmark.

SECRETARY OF STATE AND BIB MEMBERSHIP

Senator Pell introduced an amendment in committee that would make the Secretary of State an ex officio member of the BIB, but not of the Board of RFE/RL, Inc. The conference substitute directed the Secretary of State to establish a liaison office with the BIB at the U.S. Consulate in Munich; provided that a representative of the Secretary of State will attend RFE/RL, Inc. and BIB meetings; and amended section 6 of Public Law 93-129 directing the Secretary of State to report to BIB on the impact of broadcasts to Eastern Europe and the Soviet Union.

RFE/RL MANAGEMENT

The House bill set forth certain findings and management recommendations concerning the BIB and RFE/RL, Inc. The similar conference substitute included *inter alia* the following findings:

(1) the BIB and RFE/RL, Inc., must remain very distinct and different institutions;

(2) the BIB must avoid even the appearance of involvement in daily operational decisions and management of RFE/RL, Inc.; and

(3) a lack of satisfactory pre-broadcast review and sufficient records of actions taken to explain or remedy program problems identified through pre-broadcast review may endanger the long-term credibility of RFE/RL, Inc.

The measure also recommended that certain actions be taken by RFE/RL, Inc. and the BIB in order to insure that broadcast quality and content be improved. The managers stated their belief that the management of RFE/RL, Inc. consider establishing a position and procedure responsible for the daily oversight of the radios in order to achieve these objectives.

BROADCASTING TO SOVIET JEWRY

The Senate amendment introduced on the floor by Senator Hawkins prohibited grants to RFE/RL, Inc. unless that body establishes in Radio Liberty a new Russian language broadcast program for Soviet Jews to be called the "Radio Maccabee Program." The conference substitute called for existing personnel of the BIB or "RFE, Inc." to study existing RL programming for the Soviet Jewish audience and report its findings within six months after enactment. The measure also directed the radios to strengthen existing broadcasting dealing with issues of concern to Soviet Jewish audiences, and stated that these broadcasts shall be known as "Maccabee programming."

THE ASIA FOUNDATION

Senator Mathias introduced an amendment in committee to increase the authorization from the administration request of $9,785,000 under the Department of State to a new funding level of $10,500,000 for both fiscal years under a separate title. The increase was accepted to increase the Foundation's ability to enhance the development of democratic institutions in the Philippines. The conference substitute was the same.

THE U.S. SCHOLARSHIP PROGRAM FOR DEVELOPING COUNTRIES

Offered by Senator Mathias in committee, this amendment was intended to establish an undergraduate scholarship program for disadvantaged foreign students. No appropriation was authorized expressly, but a framework was provided under which USIA's Central American undergraduate scholarship program can be conducted. There was a similar provision in the House version of the fiscal year 1986 foreign assistance authorization.

The conference substitute integrated provisions of both Senate and House versions. The section defining general authority stated that these scholarships shall be provided through USIA for undergraduate study at U.S. institutions of higher education by citizens from developing countries who have completed their secondary education and who could not otherwise afford to study in the United States. At least 25 percent of any funds appropriated under this authorization were restricted to Latin American and Caribbean grants and exchanges. The conference committee stated its intent in authorizing the program that resources currently available to other USIA scholarship or exchange of persons programs not be diverted to fund this new program.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY AUTHORIZATION OF APPROPRIATIONS

According to the report, the authorization for fiscal year 1986 and fiscal year 1987 for the Arms Control and Disarmament Agency (ACDA) was included in this legislation as a one-time exception. The conference managers stated their intention "that future ACDA authorizations should be adopted as separate legislative measures." The Senate bill contained a separate title for this purpose, although the House had passed similar provisions in H.R. 2456, a separate measure.

The legislation included a supplemental appropriation for fiscal year 1985 of $4,321,000, the same amount agreed upon by both Senate and House. Similarly, both houses agreed upon the same regular authorization level for both fiscal year 1986 and fiscal 1987—$25,614,000.

The Senate amendment established a new requirement that the President submit an annual report to Congress, prepared by the ACDA director in consultation with other relevant agencies, on U.S. adherence to obligations undertaken to foreign nations in arms control agreements, and on any problems related to compliance by other nations with arms controls agreements signed with the United States. This item was retained in conference.

OTHER MISCELLANEOUS SENATE PROVISIONS

The Senate-passed version of the bill also contained additional measures later included under title VIII (Miscellaneous Provisions) of the conference version, some of which were adopted by the conference committee and became part of the final act, and others that were not accepted, but about which the conferees expressed interest. These included:

—a Senate amendment expressing the sense of Congress that it is important that all Taiwanese participate in that country's political process in order to promote a peaceful future, and that the United States should encourage the Taiwan authorities to work toward this end. The conference substitute was essentially the same.

—a Senate amendment expressing the sense of Congress that the Departments of State and Commerce should take appropriate steps to increase U.S./China trade with a view to improving the trade balance, increasing American jobs, and assuring U.S. participation in the Chinese market. The conference substitute was identical.

—three provisions dealing with Nicaragua in the Senate bill that were dropped in conference:

(1) a provision in the Senate bill authorizing humanitarian assistance to Nicaragua. It was not included in the conference measure because a similar provision had been included in the fiscal year 1985 supplemental appropriation.

(2) a provision in the Senate bill prohibiting the use of funds to support unauthorized activities agaisnt the Government of Nicaragua which would place the United States in violation of its obligations under the OAS.

(3) a Senate amendment stating that the President should explore and promote means for providing food aid to the Nicaraguan people through private voluntary organiizations and the Catholic Church.

—a Senate amendment directing USIA to develop a public information campaign to inform appropriate nations as to the advantages of lowering tariff and non-tariff barriers on agricultural products. It was dropped in conference, although the managers recognized the harmful effects of such barriers to American agricultural producers. They requested the Director of USIA to examine the feasibility of a significant public information campaign regarding lower trade barriers and to submit a report to the President and the Congress on how such an effort could most effectively promote the interested of American producers and workers, especially in the agricultural sector.

—a Senate provision expressing the sense of Congress that the President propose during arms talks with the Soviet Union that both countries jointly study the consequences of nuclear winter. It was dropped in conference.

—a Senate amendment stating that the United States does not recognize legitimate spheres of influence in Europe and reaffirms U.S. repudiation of Soviet use of the Yalta Agreement to legitimize its domination of Eastern Europe. The conference bill contains no such measure.

—a Senate amendment establishing an International Narcotics Control Commission which would monitor and promote international compliance with narcotics control treaties and encourage U.S. Government and private programs for expanding international cooperation against drug abuse. The conference substitute was similar except that the membership of the Commission consisted only of Senate members, including the Chairman of the majority party and the Co-Chairman of the minority. The conference managers indicated that the Commission should operate like the Helsinki Commission, with consultation between the Chairman and the Co-Chairman on staffing and other administrative matters.

—a Senate amendment expressing congressional findings regarding the U.S.-Japan security relationship and urging that Japan be encouraged to develop and implement a 1986–1990 Mid-Term Defense Plan. The conference substitute was a compromise. It repeated the finding that Japan should implement the Defense Plan to enable it to meet, by 1990, its commitment to obtain self-defense forces adequate to protect its air space and sealanes out to 1,000 miles, but notes *inter alia* that Japan is not the only U.S. ally which is not committing sufficient resources for the common defense.

—a Senate provision directing the Department of Defense to report to Congress on the military consequences and effects of Sovet violations of all arms control treaties and agreements. The conference substitute did not include this provision, but the managers noted that Title VII of the substitute (the ACDA authorization) included the requirement that the President report on compliance by the USSR and other nations with arms control agreements.

—a House provision directing the heads of agencies using the Foreign Service personnel system to develop an affirmative action effort to raise significantly the number of women and minorities in the service, especially in the mid- and senior-levels. The conference substitute emphasizes the mid-levels of the service.

—a Senate amendment expressing the sense of Congress that the secretary of the Treasury and the Federal Reserve Board Chairman, together with our allies, should take the necessary steps to lower gradually the value of the dollar. This measure was included in the conference bill in its entirety.

DIPLOMATIC SECURITY AND ANTI-TERRORISM

The Diplomatic Security and Anti-Terrorism Act of 1986 was the latest step in a series of major legislative initiatives in recent years designed to respond to the significant increase in terrorist acts, especially against American personnel and property overseas. In the wake of the three Beirut bombings against U.S. facilities in 1983 and 1984, the State Department convened the Advisory Panel on Overseas Security, headed by Admiral Bobby Inman, to survey U.S. diplomatic missions abroad and evaluate the manner in which the United States was prepared to deal with future threats against those missions. The Inman Panel issued its report on June 17, 1985, and its recommendations served on the basis for both the Administration proposal and the actions of relevant congressional committees.

In conjunction with the security review, the committee held four public hearings, one closed hearing, and one mark-up. On July 16, 1985, the committee held its first public hearings, during which it received testimony from Admiral Inman on the panel's recommendations. Closed hearings were held the following day, on July 17, when the committee heard further testimony from Admiral Inman. No further action was taken until January 23, 1986, when Senator Lugar introduced S. 2015, the Diplomatic Security Act, at the Administration's request. The committee held public hearings on February 4, 1986, to receive testimony from Secretary of State Shultz concerning the Administration's proposal. After this hearing, the committee submitted a list of questions to the Administration concerning its proposal and conducted a series of staff visits to Embassy sites. The resultant responses and findings helped form the basis of a hearing on April 30, 1986, during which additional testimony was taken from Under Secretary of State for Management Ronald I. Spiers and Director of the Bureau of Diplomatic Security Mr. Robert Lamb, among others.

On March 19, 1986, the committee received H.R. 4151, the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, which the House had passed on March 18 and which amended the original Administration bill and incorporated substantial additional measures to combat international terrorism. On May 7, 1986, the committee held hearings on Titles V–XI of the House bill--the seven titles dealing with international terrorism—as well as on two other measures: S. 1941, a bill by Senator Denton which clarified the manner in which economic sanctions were applied against state-sponsors of terrorism; and S. Con. Res. 190, a measure by Senator Specter calling for international negotiations to make acts of international terrorism a universal crime.

On May 13, 1986, Senator Lugar circulated to committee members a draft substitute bill to H.R. 4151 which added several measures dealing with the broader issue of anti-terrorism to an amended version of the basic diplomatic security measures proposed by the Administration in S. 2015. This substitute served as the basis for the committee's mark-up session on May 14, 1986. Discussion during the mark-up focused primarily on the amounts authorized in the chairman's substitute for salaries and expenses and embassy construction.

As originally requested by the Administration, S. 2015 proposed a five-year authorization for $4.4 billion to implement the new diplomatic security program. A primary difference between the Administration request and the chairman's substitute, and a principal point of discussion during the committee mark-up, concerned the amount and period of authorization. The chairman's substitute proposed a two-year authorization period, for fiscal year 1986 and fiscal year 1987, and an authorization level of $1.1 billion. Senator Sarbanes proposed an amendment to raise this authorization level to $1.39 billion, an amount which the Senator said was essential to implement all the top-priority or "band 1" recommendations proposed by the State Department. The amendment was defeated by a vote of 7-10.

The committee adopted without objection two amendments by Senator Zorinsky, one dealing with State Department reimbursement for Secret Service protection of spouses of foreign heads of state, and one dealing with the security of embassy designs and blueprints. In addition, the committee adopted without objection an amendment by Senator Dodd to raise the Peace Corps' fiscal year 1987 authorization amount by $7.2 million—an amount necessary to comply with personnel increases mandated by the foreign aid authorization act, Public Law 99-83. On May 14, 1986, the committee without objection ordered H.R. 4151 reported with an amendment in the nature of a substitute. The bill was reported on May 20, 1986 (S. Rept. 99-304).

The Senate considered H.R. 4151, as amended, on June 25, 1986. In his floor statement, Senator Lugar indicated that the committee substitute concentrated deliberately on the Administration's original request for a Diplomatic Security Program and did not include the comprehensive provisions on combatting international terrorism which the House had added to its version. The Senator described the major diplomatic security provisions of the bill to be: an authorization of $1.1 billion for fiscal year 1986 and fiscal year 1987; the creation within the Department of State of a Bureau of Diplomatic Security, headed by an Assistant Secretary, to oversee the global program; establishment of a diplomatic Security Service as a professional career path in the Department of State; establishment of an Accountability Review Board to investigate important breaches of security in U.S. missions; and expression of a strong preference for use of American companies in construction projects, as well as a prohibition on any company's doing business with Libya. In addition, Senator Lugar stated that the substitute's antiterrorism provisions amended the existing rewards-for-information program to permit awards for information leading to the arrest and prosecution of major narcotics offenders for related offenses overseas, including kidnapping or killing of U.S. personnel, and authorized an additional $5 million for this program; permitted the Secretary of State to regulate the provision of technical services to the law enforcement or security personnel of other countries defined as supporters of terrorism; and permitted the Secretary of State to reimburse expenses for the protection of informants on terrorist incidents committed outside the United States. In addition to these provisions, the substitute established the Fascell Fellowship Program to provide for U.S. citizens to work at American diplomatic missions in the Soviet Union and Eastern Europe for 1-2 years. Costs of the program were covered by the State Department's salaries and expenses account, at no additional authorization.

In floor consideration, the Senate adopted 20 amendments to the committee substitute bill, all of which were acceptable to the committee, none of which altered the main thrust of the bill's provisions, and most of which were passed without record votes. Among these were some amendments by committee members, including: replacement of the $350,000 cap on equipment and commodities of the Anti-Terrorism Assistance Program (enacted in 1982) with a cap of 25% of the appropriated amount (Lugar); release of the United States Information Agency (USIA) film "The March" (Lugar, for Senator Kerry); provision of Economic Support Fund (ESF) assistance for Egypt contained in Public Law 99-83 for nonlethal airport security equipment and training (Lugar); an expression of support for activities of the U.S. Telecommunications Training Institute (Mathias); requirement that any person convicted of espionage must forfeit to the U.S. any money or property involved in or obtained from that activity (cosponsored by Lugar); and three amendments by Senator Helms which established Offices of Inspector General within the USIA and the State Department and which placed stringent restrictions on use of funds for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank. The Senate passed the substitute bill, as amended, by voice vote on June 25, 1986.

On August 6, 1986, the House disagreed with the Senate amendment and asked for a conference. The Senate agreed to a conference on August 11, 1986, and appointed the following committee members as conferees: Senators Lugar, Helms, Mathias, Kassebaum, Pell, Biden, and Sarbanes for the entire bill, and Senators Mathias and Eagleton for section 702 (on the U.S. Telecommunications Training Institute).

The Senate considered the conference report (H. Rept. 99-783) on August 12, 1986. In his floor remarks, Senator Lugar stated that in conference the Senate had been able to maintain its fundamental positions on the authorizations and on other important aspects of the bill. The final conference report authorized a five-year program, rather than the two-year program called for in the Senate committee bill, but at substantially reduced levels from that contained in either the House bill or the Administration request. The final legislation authorized $1.1 billion for diplomatic security in fiscal year 1986 and fiscal year 1987, and $418 million in embassy construction and security upgrades from fiscal years 1988 through 1990.

In addition to the provisions in the Senate committee bill described above, conferees in their deliberations agreed to a number of provisions originating in the Senate as floor amendments to the bill. Conferees agreed to a provision to earmark a certain amount of appropriations for the security of classified office equipment and information systems and for hiring American computer operators in high-risk locations.

The final bill also contained a provision essentially the same as the Senate provision which expressed the sense of Congress that the President should call for international negotiations for the purpose of agreeing on a definition of international terrorist crimes. No comparable provision was in the House bill.

The law also contained Senate provisions which increased the FY87 authorization for the Peace Corps by $7.2 million, affirmed that various U.S. agencies could provide staff and other resources for the U.S. Telecommunications Training Institute, expressed the sense of Congress concerning the Soviet invasion of Afghanistan and U.S. policy toward that country, and approved a lease by the Government Services Administration (GSA) of necessary space subject to appropriation.

MODIFICATIONS OF SENATE PROVISIONS

Conferees compromised on lauguage detailing the responsibilities of the Assistant Secretary for Diplomatic Security. The House bill had assigned all security functions for the State Department to the Bureau for Diplomatic Security, while the Senate bill directed the Secretary of State to assign those functions. Conferees agreed in language enumerating those functions which they believed should be assigned to the Assistant Secretary.

Conferees also compromised on language concerning use of U.S. contractors in construction of embassy facilities or other diplomatic projects. Senate language required American contractors to be used on any construction and design projects which exceeded $500,000 or which involved physical or technical security. Conferees accepted House language which placed the ceiling at $5 million but which prohibited non-American contractors for sophisticated physical and technical security projects and which stated that, as far as was feasible, no local subcontractors should be granted access to blueprints, diagrams, or other documents or systems relating to security matters. Conferees also agreed on modified Senate language tightening procedures for the handling of design or blueprints relating to foreign building projects. The House had no comparable provision.

The final law contained a modified Senate provision requiring that 10% of funds available for construction projects be set aside for contracts to American small businesses, to the extent practicable.

Conferees agreed on modified versions of Senate provisions establishing Offices of Inspector General in USIA and the State Department, in the former case earmarking $3 million in funds for this purpose in fiscal year 1987 and in the latter case directing that this office be established no later than October 1, 1986 and earmarking $6.5 million in available fiscal year 1987 funds for that purpose.

Conferees adopted Senate language concerning the rewards-for-information program, with amendments clarifying that the rewards were for acts committed primarily outside the territorial jurisdiction of the United States. The final law also retained a Senate provision relating to equipment and commodities under the Anti-Terrorism Assistance program, with the modification that current prohibitions in the Arms Export Control Act and the foreign Assistance Act would be retained.

The conference report acceded to Senate language permitting ESF in Public Law 99-83 (foreign assistance authorizations) to be used for provision of nonlethal airport security equipment for Egypt, with the clarification that the Department of State be the lead agency.

Conferees also accepted, with some modification, Senate language requiring fingerprinting and criminal history record checks for certain employees of nuclear power plants.

The enacted law also contained a Senate provision expressing the sense of the Congress that the President call for international negotiations to agree on a definition of international terroist crimes, and a provision which established extraterritorial jurisdiction over serious violent attacks or murder by terrorists of U.S. nationals overseas.

In what Sentor Lugar described as a provision causing great concern among the conference committee, conferees adopted, as a sense of Congress resolution, a Senate provision which had repealed the authority of the District of Columbia to set limits on the proximity of demonstrations at foreign diplomatic buildings. The conference language called for review of current D.C. law by the District of Columbia Council.

Conferees also agreed to a modification of Senate language expressing the sense of the Senate that the U.S. Representative to the United Nations should introduce a resolution to deny Kurt Waldheim his retirement allowance.

In addition, the enacted law included modified versions of Senate provisions to study the feasibility of a program for the control and eradication of heartwater in bovine animals in the Caribbean, expressing the sense of Congress that the foreign language training of U.S. foreign service officers be strengthened, and establishing forfeiture remedies against those convicted of espionage.

SENATE PROVISIONS DELETED IN CONFERENCE

(1) The enacted law deleted language which earmarked $83 million in funds for construction of a U.S. diplomatic facilities in Jerusalem within five miles of the Israeli Knesset building but nowhere else in Israel, Jerusalem, or the West Bank. The original provision was an attempt to force relocation of the U.S. embassy from Tel Aviv to Jerusalem.

(2) The enacted law deleted language authorizing distribution of the USIA film "The March" within the United States.

Both the Senate and the House agreed to the conference report on August 12, 1986. The bill was approved on August 27, 1986, and became Public Law 99-399.

DISTRIBUTION OF THE FILM "THE MARCH"

House Bill 4985 authorized the distribution within the United States of the USIA film entitled "The March." The bill directed the Archivist of the United States to make copies of the film available for purchase and public viewing upon evidence that the necessary rights and licenses were secured and paid for by those seeking domestic release of the film.

H.R. 4985 was introduced on June 11, 1986, by Congressman Frank for himself and one cosponsor. It passed the House on July 15, 1986, by voice vote, and passed the Senate by voice vote on July 17. Although the committee did not specifically consider H.R. 4985, it previously had considered identical legislation, S. 2538, which was introduced by Senator Kerry on June 10, 1986. The committee considered this bill on June 26, 1986, and had reported it without written report by a vote of 17-0. S. 2538 was not further acted upon by the Senate, although comparable language was agreed to as an amendment to legislation dealing with enhanced diplomatic security (H.R. 41,51) on June 25, 1986.

The President signed H.R. 4985 on August 1, 1986, and it became Public Law 99-369.

AUTHORIZING RELEASE OF USIA ITEMS TO U.S. MUSEUMS

House Bill 5522 authorized the release to U.S. museums of certain objects owned by the U.S. Information Agency which were displayed at the U.S. Pavilion at the 86 Expo in Vancouver, British Columbia, Canada. The bill stated that all costs associated with transfer of the items must be paid by the recipient museum.

The bill was introduced in the House by Congressman Mica, and was passed by voice vote on September 22, 1986. On September 24, 1986, H.R. 5522 was referred to the Foreign Relations Committee, and on September 30 it was favorably reported without amendment and without written report, by a vote of 14-0. The Senate passed the bill on October 1, 1986, by voice vote. The President signed the bill on October 16, 1986, and it became Public Law 99-475.

3. INTERNATIONAL FINANCE MATTERS

U.S. PARTICIPATION IN MULTILATERAL DEVELOPMENT BANKS

Senate Bill 684 authorized increased U.S. participation in the International Bank for Reconstruction and Development (also known as the World Bank), the International Finance Corporation (IFC), and the African Development Fund (AFDF).

The committee held a hearing on March 12, 1985, during which it heard from James Conrow, Deputy Assistant Secretary for Developing Nations at the Department of the Treasury, concerning the Administration's requests for funding of the three multilateral development banks. On March 19, 1985, Senator Lugar introduced S. 684 by request. The committee approved the bill on April 2, 1985, with technical amendments, by a vote of 15-1; Senator Zorinsky's was the nay vote. The bill was reported on April 25, 1985 (S. Rept. 99-38).

As reported by the committee, the bill authorized $1.5 billion for an increase in subscription to the shares of the World Bank, with $131 million of this amount in the form of paid-in capital requiring outlays and the remaining $1.4 billion in the form of callable capital. This represented 18% of the Bank's selective capital increase (SCI).

The committee bill also provided $175 million for an increase in subscription to the shares of the IFC. In its report, the committee pointed out that this was only the second capital increase to be negotiated since the IFC's creation in 1956. The U.S. share of $175 million represented 27% of the total increase, and the bill called for it to be paid in five equal installments beginning in fiscal year 1986.

The bill also provided $225 million for the U.S. contribution to the fourth replenishment of the resources of the AFDF. The U.S. share was 15% of the total replenishment, and was to be paid in equal installments over three years. The committee indicated that even though the amount requested represented nearly a doubling of U.S. participation in the AFDC, it believed the amount to be justified given the pressing needs in Africa and the significant role played by the AFDF in meeting those needs. In further comments in its report, the committee noted its longstanding support for MDB assistance and stated that this assistance supported countries in whose stability and well-being the United States has an interest.

Although no further action was taken on S. 684, funding for multilateral development banks was included in the conference report on the continuing appropriations resolution, H.J. Res. 465, which passed the Seante on December 19 and became Public Law 99-190. The continuing appropriations resolution provided $110 million in paid-in capital and $1.35 billion is callable capital for the World Bank; $29 million for the IFC; and $62 million to the fourth replenishment of the AFDF.

4. Miscellaneous Laws

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

S. 592 amended the 1976 act establishing the Commission on Security and Cooperation in Europe (the Helsinki Commission) to provide for rotation of the chairmanship each Congress between Members appointed from the Senate by the President of the Senate and Members appointed from the House of Representatives by the Speaker of the House; to expand the membership of the Commission to 21 members; and to establish that examination of human rights developments in Eastern Europe and the Soviet Union is one of the Commission's most important priorities—something which had been followed in practice but was not specifically stated in law. It provides that the Senate will have the chair of the commission in odd-numbered Congresses beginning with the 99th Congress. On March 6, 1985, the Senate considered and passed the bill by voice vote without referral to Committee and on March 19, the House passed the bill by voice vote. The bill was signed by the President on March 27, 1985, and became Public Law 99-7.

INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES FOR FISCAL YEAR 1986

S. 1271 authorized appropriations for fiscal year 1986 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system. The bill was referred jointly on June 11, 1985, to the Committee on Armed Services, Foreign Relations (for title VI, section 604 and for title VII, both dealing with foreign missions matters), Judiciary (title V), and Governmental Affairs (section 603). The Committee on Foreign Relations took no action on its titles and was discharged on September 11, 1985.

On September 26, 1985, the Senate passed H.R. 2419, amended, in lieu of S. 1271. Earlier, on July 18, 1985, the House had amended H.R. 2419 and passed it by voice vote. A conference report (H. Rept. 99-373) was filed on November 14, 1985, and was subsequently passed by the House on November 19, 1985, by a vote of 387-21. The bill was agreed to by the Senate by voice vote on November 21, 1985, and became Public Law 99-169 on December 4, 1985.

COMMENDATION OF PEOPLE ON SWITZERLAND

Senate Joint Resolution 227 expressed the sense of Congress that the people and the nation of Switzerland, on the occasion of the meeting between the leaders of the United States and the Soviet Union in Geneva, should be commended for their contributions to freedom, international peace, and understanding throughout this century. The Foreign Relations Committee ordered reported an original measure on October 23, 1985, and it was reported to the Senate by Senator Lugar on October 24 (without written report). The Senate passed the joint resolution without amendment by voice vote on October 25. It passed the House by voice vote on October 2, and became Public Law 99-144 on November 8, 1985.

R.M.S "TITANIC" MARITIME MEMORIAL ACT

Senate Bill 2048 designated the shipwreck of the R.M.S. *Titanic* as an international maritime memorial and provided for reasonable research, exploration, and, if appropriate, salvage activities on the shipwreck. The act further directed the Secretary of State, in consultation with the Administrator of the National Oceanic and Atmospheric Administration (NOAA), to enter into negotiations with the United Kingdom, France, Canada, and other interested nations to establish an international agreement to so designate the *Titanic*. The act directed that the Secretary and Administrator of NOAA report semiannually to the Committee on Foreign Relations and to other congressional committees with jurisdiction in the process of negotiations.

Senator Weicker introducted the bill for himself and Senator Pell on February 5, 1986, and on September 9, 1986, the committee ordered the bill reported favorable, without amendment, by a vote of 15-0. The bill was reported without written report on September 11, 1986, and passed the Senate by voice vote on September 24, 1986. In his floor remarks, Senator Weicker emphasized that the bill required no authorization of federal funds.

The House passed S. 2048 on October 6, 1986, by voice vote. On December 2, 1985, the House had passed a comparable bill, H.R. 3272, which had been referred to the Committee on Foreign Relations on December 3, 1985, but the committee had taken no action on the House bill.

The President signed S. 2048 on October 21, 1986, and it became Public Law 99-513.

CONDEMNING PASSAGE OF U.N. RESOLUTION EQUATING ZIONISM WITH RACISM

Senate Joint Resolution 98 stated that the Congress condemned the passage of resolution 3379 in the United Nations General Assembly on November 10, 1975, because it equated Zionism with racial discrimination. The resolution further stated the Congress condemned and denounced any linkage between Zionsim and racism, and urged the U.S. Ambassador and the U.S. delegation to the United Nations to take appropriate actions to erase the resolution from the U.S. record. Senator D'Amato introduced the resolution on March 28, 1985, and it was referred to the Foreign Relations Committee. The committee reported the resolution on June 27, 1985 with an amendment in the nature of a substitute and an amended preamble (without written report). The Senate passed the measure, as amended, on July 9 by voice vote. The House passed it on August 1 by voice by vote and the measure was signed by the President on August 15, 1985 (Public Law 99-90).

FOR THE RELEASE OF SOVIET JEWRY

Senate Joint Resolution 161 called on the Soviet Union to release Anatoly Scharansky, Yosef Begun, and other prisoners of conscience; to give exit permits to Ida Nudel, Vladimir Slepak, and other long-term "Refuseniks"; and to allow the thousands of other Jews who have requested such exit pemits to leave the Soviet Union and join their relatives abroad. The resolution further called on the Soviet Government to pledge that such cases will be dealt with expeditiously and in a humanitarian way over the next 3 years. Senator Dole introduced the measure on July 11, 1985 and it was reported from the Foreign Relations Committee without amendment (without written report) on July 17. The senate considered the joint resolution on July 18; after approving by voice vote an amendment offered by Senator Dole to reflect that such emigres may wish to emigrate to their historic homeland, the Senate passed the measure, as amended, by voice vote. The House approved it on July 25 by voice vote and it became Public Law 99-81 on August 6, 1985.

COMMEMORATING THE 10TH ANNIVERSARY OF THE SIGNING OF THE HELSINKI FINAL ACT

Senate Joint Resolution 180 stated that the Congress reaffirmed the Helsinki Final Act and the Madrid Concluding Document and condemned violations by the Soviet Union and other specified Eastern bloc countries of their international obligations under the United Nations Charter, the Universal Declaration on Human Rights, the Helsinki Final Act, the Madrid Concluding Document, and other relevant international instruments. In addition, the resolution urged the President to call the Soviet Union and its allies to account for these violations and to work constructively with Western democracies to promote human rights progress in Eastern signatory states. Senator Simpson, on behalf of Senator D'Amato, introduced the joint resolution on July 29 and it was passed on the same day by voice vote, without referral to committee. The measure passed the House on July 30 by a vote of 414–0, and was signed by the President on August 2, 1985 (Public Law 99–79).

NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA

On July 23, 1985, the United States and the People's Republic of China signed an agreement allowing for cooperation in the peaceful uses of nuclear energy. On July 24, 1985, as required under nonproliferation and export control laws (Public Law 95–242, Public Law 99–64), the agreement was submitted to Congress.

The agreement, as signed by the United States, was criticized in Congress on the grounds that the administration failed to obtain sufficient assurances from the Chinese that they would not assist other countries' military nuclear programs. Both Houses finally passed legislation consenting to the agreement, but subject to certain conditions which were the result of compromise between Senators and administration officials.

Senate Joint Resolution 238 declared that the Congress favored the Agreement between the United States and the People's Republic of China Concerning Peaceful Uses of Nuclear Energy. However, the resolution also prohibited the issuance of a license for the export, transfer, or retransfer of any nuclear materials, facilities, or components until the following conditions were met: That the President certify such materials would be used solely for peaceful purposes; that China provide additional information concerning its nuclear nonproliferation policies; that the United States would retain the right to approve or disapprove the reprocessing or enrichment of U.S.-origin material; and that the President submit to Congress a report concerning China's nuclear nonproliferation policies.

On November 14, 1985, the Committee on Foreign Relations reported S.J. Res. 238 without written report as an original measure in lieu of S.J. Res. 216 (a resolution of approval without conditions). The committee approved the measure by a vote of 14–3, with senators Helms, Kassebaum, and Pressler voting against. The Senate considered S.J. Res. 238 on November 21, 1985, and passed it the same day by voice vote. The House passed S.J. Res. 238 on December 11, 1985, by a vote of 307–112, and on December 16, 1985, the measure became Public Law 99–183.

BEN-GURION'S BIRTHDAY

Senate Joint Resolution 422 commemorated the 100th anniversary of the birth of the first Prime Minister of the State of Israel, David Ben-Gurion. The resolution authorized and requested the President to issue a proclamation in honor of the year-long celebration.

Committee member Senator Boschwitz sponsored this original joint resolution with two cosponsors on September 30, 1986. On the same day, the committee reported the resolution, without written report and without amendment, by a vote of 14–0. The measure passed the Senate by voice vote on October 1, 1986, and was referred to the House Post Office and Civil Service Committee. The full House considered and passed S. Res. 422 on October 10, 1986, and on October 27, 1986, it became Public Law 99-541.

SANCTUARY FOR HUMPBACK WHALES

House Joint Resolution 67 directed the President to seek a treaty or international agreement establishing a wildlife sanctuary for humpback whales in the West Indies. The resolution was introduced in the House by Congressman Whitehurst on January 3, 1985, and the House passed it by voice vote on September 23, 1986. On September 24, 1986, the resolution was referred to the Committee on Foreign Relations. The committee ordered it reported on October 8, 1986, by a vote of 17-0, and the resolution was reported without written report on the following day. The Senate passed the measure by voice vote on October 17, and it was signed by the President on November 7, 1986. It became Public Law 99-630.

DESIGNATING THE COLLEGE OF WILLIAM AND MARY

Senate Resolution 404 designated the College of William and Mary as the official U.S. Representative to the Tercentenary Celebration of the Glorious Revolution. The resolution declared that the College of William and Mary will be the coordinating body for the 1988-89 celebrations relating to the world of King William III and Queen Mary II and its relationship to the former British colonies, the United States. Discussion on the Senate floor indicated that no public funds would be required either for the celebration itself or as a result of S. Res. 404.

Senator Warner introduced the resolution for himself and Senator Trible on May 8, 1986. The committee reported it favorably on June 13, 1986, without amendment, with a preamble, and without written report. The Senate passed the resolution on June 26, 1986, by voice vote.

On July 30, 1986, a comparable House bill, H.J. Res. 630 was referred to the Senate. It was passed by voice vote on August 9, 1986, without amendment and without action by the committee. The House joint resolution became Public Law 99-393.

C. RESOLUTIONS AGREED TO

Concurrent and Senate Resolutions:	
Referred to committee	122
Original resolutions from committee	11
Total	133
Reported	23
Agreed to by Senate	[1] 14

[1] In addition, there were 28 resolutions which were agreed to without referral to the committee.

1. AFRICA

Welcoming the President of Tunisia.—Senate Concurrent Resolution 50 extended the Congress' greetings and respect to the President of Tunisia, President Bourguiba, on his official visit to the United States. Senator Simpson submitted the concurrent resolution on behalf of Senator Boschwitz on June 13, 1985, and the

Senate considered and agreed to the measure on the same day by voice vote, without referral to committee. The House agreed to it by voice vote on June 17, 1985.

Condemning Actions of Ethiopian Government.—Senate Resolution 155 condemned the Ethiopian Government for forcibly evacuating more than 50,000 famine victims from the famine relief camp at Ibnet, and for generally disrupting international relief efforts to provide food assistance to needy Ethiopians. Senator Chiles submitted the resolution on May 3, 1985, and the Senate agreed to it on May 6, 1985, by voice vote, without referral to committee.

Democracy in Liberia.—Senate Resolution 271 stated that elections held in the Republic of Liberia on October 15, 1985, did not meet the requirements of section 807 of the International Security and Development Cooperation Act of 1985. The resolution further stated that the United States should suspend military assistance to the Republic of Liberia until the government has released all political prisoners and has held free and fair elections, and should channel future economic assistance to Liberia through nongovernmental organizations. The resolution was reported from the Committee on Foreign Relations as an original measure by Senator Kassebaum on December 12, 1985 (without written report). On December 18, 1985, the Senate agreed to the resolution by voice vote.

2. Asia

Americans Missing in Southeast Asia.—Senate Concurrent Resolution 46 expressed the sense of Congress that the President should continue to ensure that U.S. officials carry out the pledge to resolve the issue of 2,483 Americans still missing and unaccounted for in Indochina. The concurrent resolution further stated that the President should (1) work for the immediate release of any Americans still held captive and for the return of the remains of those who died, and (2) make every effort to secure the further cooperation of Laos and Vietnam in resolving this issue. Senator Andrews submitted the measure on April 30, 1985, and it was referred to the Committee on Foreign Relations. On June 26, the committee reported the resolution with an amendment (without written report). The Senate agreed to it by voice vote on June 27, and the resolution was agreed to in the House by voice vote on July 18, 1985.

Welcoming Prime Minister Rajiv Gandhi.—House Concurrent Resolution 142 extended Congress' greetings and respect to the Prime Minister of India, Rajiv Gandhi, on his official visit to the United States. The House agreed to the concurrent resolution by voice vote on May 21, 1985, after the Foreign Affairs Committee has first acted on an earlier and similar resolution. It was agreed to in the Senate on May 23, 1985, by voice vote, without referral to committee.

Restoration of Democracy in the Philippines.—House Concurrent Resolution 232 declared that Congress noted the pledge of Philippine President Ferdinand Marcos to hold free and fair elections in the Philippines. The concurrent resolution further spelled out specific steps that Congress believed must be taken in order to provide institutional guarantees for an honest election that would be deemed credible by the Philippine people. Congressman Solarz submitted the measure on November 12, 1985. The House Foreign Affairs Committee reported the resolution on November 13, and it was agreed to in the House on November 14 by a vote of 407-0. Senator Lugar submitted an identical measure, Senate Concurrent Resolution 87, on November 13, and the Foreign Relations Committee reported it (without written report) on the same day. On November 14, the Senate by unanimous consent indefinitely postponed S. Con. Res. 87 and agreed to H. Con. Res. 232 by voice vote.

Support for United States-Soviet Discussions on Afghanistan.—Senate Resolution 237 declared that the Senate, in an effort to end the human rights abuses committed by the Soviet Union in Afghanistan, supported the President's intent to hold discussions about such concerns with Soviet leaders. The resolution also called upon the President to reiterate the United States desire to achieve a negotiated political assessment agreeable to all interested parties in Afghanistan, such settlement to include the withdrawl of all foreign troops, the restoration of Afghanistan's independent and nonaligned status, self-determination for the Afghan people, and the safe return of Afghan refugees. Senator Humphrey submitted the resolution on October 8, 1985. The committee reported it favorably (without written report) on October 24, 1985, and the Senate agreed to it the following day.

On the Philippine Elections.—Senate Resolution 328 declared that the Senate reaffirmed its support for free elections in the Philippines, scheduled for February 7, 1986, and stressed the importance of the National Citizen Movement for a Free Election (NAMFREL) in monitoring the election. The resolution also expressed the Senate's support for the official U.S. delegation of election observers sent by the President and reaffirmed the Senate's commitment to the free-election principles set forth in House Concurrent Resolution 232, which both the House and the Senate had agreed to unanimously on November 14, 1985. Senator DeConcini submitted S. Res. 328 on February 3, 1986 and it was agreed to in the Senate by voice vote on the same date, without referral to committee.

On Vietnam Refugees.—Senate Concurrent Resolution 143 expressed the sense of Congress on the resumption of the United Nations High Commissioner for Refugees Orderly Departure Program for Vietnam. The resolution called upon Vietnam to permit the resumption of processing of approved applicants for resettlement in the United States, and to permit the departure of certain prisoners, children, and others to the United States. Senator DeConcini introduced S. Con. Res. 143 for himself and Senator Murkowski on May 21, 1986, and Senator Pell joined as a cosponsor on June 23, 1986. On June 26, 1986, the committee ordered the resolution to be reported, without amendment and without written report, by a vote of 17-0. The Senate agreed to the resolution on July 15, 1986. The measure was agreed to by voice vote in the House on September 30, 1986.

Support for the New Philippine Government.—Senate Resolution 351 declared that the United States should recognize the newly elected government of President Corazon Aquino and praised the progress toward restoration of democracy in the Philippines. The resolution further commended the Philippine people for their valor and courageous commitment to democracy. Senator Dole submitted the measure on February 26, 1986 and it was agreed to the same day by a vote of 95-1, without referral to committee.

3. EUROPE

Expressing Solidarity With the Sakharov Family.—Senate Concurrent Resolution 62 expressed the sense of Congress that, in accordance with human rights agreements, the Soviet Union should (1) drop all charges against Elena Bonner and restore to her and Dr. Sakharov the rights of travel and free expression; (2) allow correspondence between the Sakharovs and their relatives; and (3) allow Alexei Semyonov permission to visit them in the Soviet Union. The concurrent resolution further urged the President to protect the Soviet violations of the Sakharov's rights and to call upon other signatory nations of the Final Act of the Conference on Security and Cooperation in Europe to join such protests. Senator Kerry submitted the resolution for himself and nine cosponsors on September 12, 1985. On the same day it was considered and agreed to in the Senate without referral to a committee by voice vote. The resolution was agreed to in the House by voice vote on September 19, 1985.

Rights of the Polish People.—Senate Concurrent Resolution 76 expressed the sense of the Congress that the President should raise with the Soviet Union the matter of suppression of free speech and political activity in Poland. Senator Hart introduced the resolution on October 5, 1985. The measure was ultimately cosponored by 25 Members. The committee ordered the resolution reported favorably without amendment on October 23, 1985. The measure was reported the following day without written report, and the Senate agreed to it by voice vote on October 25, 1985. On October 28, the resolution was referred to the House Foreign Affairs Committee, which took no action.

Commending the Government of Ireland and the United Kingdom.—House Concurrent Resolution 239 commended the Government of Ireland and the Government of the United Kingdom for their achievement in signing an agreement which paved the way for peace in Northern Ireland. The concurrent resolution further stated Congress' willingness to work with the President in supporting the agreement through appropriate U.S. economic and financial assistance. Congressman Fascell submitted the measure on December 5, 1985, and it was agreed to in the House on December 9, 1985, by a vote of 380-1. On December 11, 1985, the Foreign Relations Committee ordered reported Senate Concurrent Resolution 93 as an original measure. The resolution, which also commended the Governments of Ireland and of the United Kingdom, was reported on December 12, 1985, and was indefinitely postponded as the Senate on the same day agreed to H. Con. Res. 239 by voice vote in lieu of S. Con. Res. 93.

On the People of Berlin.—House Concurrent Resolution 325 commended the government and people of Berlin for their commemoration of the 50th anniversary of Jesse Owens' victories at the 1936 Berlin Olympic Games. The resolution also further reaffirmed the U.S. commitment to Berlin. The committee received the resolution on June 17, 1986, after its passage in the House the previous day.

On June 26, 1986, the committee reported the bill without written report by a vote of 17-0. The full Senate passed H. Con. Res. 325 by voice vote on July 15, 1986.

On the Berlin Wall.—House Concurrent Resolution 326 expressed the sense of Congress that the existence of the Berlin Wall after 25 years was a visible indictment of the Communist system. The resolution stated that Congress commended the courage of West Berliners for the continued vitality of the western sectors of the city, and declared that Congress reaffirmed the U.S. commitment to Berlin and its people. The committee received the bill on June 17, 1986, after its passage in the House the previous day. On June 26, 1986, the committee reported the bill without written report by a vote of 17-0. The Senate passed H. Con. Res. 326 by voice vote on July 15, 1986.

Human Rights of the Ukrainian and Other Helsinki Monitoring Groups.—Senate Concurrent Resolution 154 expressed the sense of the Congress that the President and Secretary of State should insist at the Vienna Review Meeting of the Conference on Security Cooperation in Europe, and in discussions with Communist Party and Soviet leaders, that imprisoned and exiled members of Ukrainian and other Helsinki monitoring groups be released and allowed to emigrate. The resolution further called for the United States consulate in Kiev to issue reports on Soviet human rights violations in the Ukraine. Senator D'Amato introduced the resolution on June 26, 1986; the measure was cosponsored by 49 other Members. Representative Yatron, with 160 cosponsors, introduced an identical measure (H. Con. Res. 332) in the House on May 19, 1986. The committee ordered S. Con. Res. 154 reported favorably and without amendment on September 30, 1986, and did so on the same day, without amendment and without written report. on October 1, 1986, the full Senate agreed by voice vote to H. Con. Res. 332, which had passed the House by voice vote on September 30, 1986. S. Con. Res. 154 was indefinitely postponed by the Senate.

Emigration of Naum Meiman and Inna Kitrosskaya-Meiman.—House Concurrent Resolution 404 expressed the sense of Congress that the Soviet Union should immediately provide for the emigration of Naum Meiman and Inna Kitrosskaya-Meiman and for the resolution of all divided family and emigration cases. Congressman Wirth introduced the resolution on October 2, 1986, and the Committee on Foreign Affairs reported it on October 8. The House agreed to the resolution on October 9, and it was referred to the Senate Foreign Relations Committee. On October 16, the committee was discharged and the Senate agreed to the measure. Senator Hart had introduced a similar measure, S. Con. Res. 131, on April 17, 1986. Twenty-eight Senators cosponsored the resolution, but it was not referred to the committee and it received no further action.

Congratulating the People of Cyprus.—Senate Resolution 68 congratulated the people of Cyprus on the 25th anniversary of their independence. As agreed to, the measure further expressed the sense of the Senate reaffirming the continuing United States commitment to a just resolution of the Cyprus dispute, as well as United States support for the peace efforts of the Secretary-General in that region. Senator Trible submitted the measure on February 7, 1985, and it was referred to the Committee on Foreign Relations, which reported the measure favorably (without written report) on October 1, 1985, with an amendment. The Senate agreed to the resolution, as amended, on October 1, 1985, by voice vote.

Reassessment of President's Trip to West Germany.—Senate Resolution 143 expressed the sense of the Senate that the President should reassess his itinerary during his trip to the Federal Republic of Germany. Senate floor debate reflected that the Preisdent's planned visit to the Bitburg Cemetery was controversial because of members of the Nazi SS Waffen Korps who are buried there. The resolution also stated that the United States should honor the American and allied war dead, that it was appropriate for the President to visit the Federal Republic of Germany as a gesture of reconciliation, and that the President should recognize the importance of United States relations with that country. Senator Specter submitted the legislation on April 26, 1985, and the Senate agreed to it by voice vote on the same day, without referral to committee.

The Byzantine Catholic Church.—Senate Resolution 454 urged the full restoration in Eastern Europe of the Byzantine Rite Catholic Church. The resolution declared that the Senate recognized the right of the people of Ukraine, Lithuania, Romania, Czechoslovakia, and other Soviet-bloc Eastern European countries to have religious freedom, and deplored the refusal by the Soviet Union and Romania to recognize the Byzantine Catholic Church. The resolution expressed the sense of the Senate that the President should instruct the U.S. delegation to the Review Meeting of the Conference on Security and Cooperation in Europe to press the restoration of the church and freedom of all religions. Senator Riegle introduced the resolution on July 25, 1986, and 15 Members of the Senate cosponsored. On September 30, 1986, the committee reported the resolution favorably, without written report and without amendment, by a vote of 14-0. The Senate agreed to the resolution by voice vote on October 1, 1986.

4. WESTERN HEMISPHERE

Condolences to Brazil.—Senate Concurrent Resolution 48 extended to Brazil the condolences of Congress on the death of President-elect Tancredo Neves, sent best wishes to President Jose Sarney for a successful term of office, and offered congratulations to the Brazilian people for their country's return to democracy. Senator Hart submitted the resolution on May 14 and the Senate agreed to it on the same day by voice vote, without referral to committee. The House agreed to the measure on June 3, 1985, by voice vote.

Condemnation of Nicaraguan Sandinista Regime.—Senate Resolution 149 condemned the Sandinista regime's massive military buildup in Nicaragua and its suppression of the democratic opposition, and condemned Sandinista President Ortega's trip to Moscow in April to ask for Soviet assistance. Senator Dole submitted the resolution on April 29, 1985, and it was agreed to by voice vote on the same day, without referral to committee.

To Promote Emigration from Cuba.—Senate Resolution 185 expressed the sense of the Senate that the Cuban Government, by suspending emigration privileges in retaliation for uncensored Radio Marti news broadcasts from the United States to Cuba, had violated the human rights of its citizens and had suspended an agreement which benefits both the Cuban and United States Governments and their respective peoples. Senator Chiles introduced the resolution on June 19, 1985 and it was referred to the Committee on Foreign Relations. On June 26 the committee reported the resolution with amendments (without written report). On July 10, 1985, the Senate agreed to the measure, as amended, by voice vote.

Condemning Kidnaping of President Duarte's Daughter.—Senate Resolution 219 expressed the sense of the Senate that the kidnaping of President Duarte's daughter was to be deplored and the individuals responsible should release her. The resolution furhter stated that the President should provide assistance to the Government of El Salvador or to the Duarte family to achieve her safe return and to bring the kidnapers to justice. Senator Kennedy submitted the resolution on September 11, 1985. The Senate agreed to the resolution by voice vote on September 13, 1985, without referral to committee.

5. MISCELLANEOUS

Meeting in Geneva between the Secretary of State and the Soviet Foreign Minister.—Senate Resolution 19 expressed the sense of the Senate that the President should be commended for his commitment to making nuclear arms control and reduction talks with the Soviet Union a priority goal, urged that the President be flexible in his approach to such talks, and recommended that the President appoint a bipartisan group of Senators as U.S. observers to any formal negotiations that take place. Senator Dole submitted the resolution for himself and Senator Byrd on January 3, 1985, and the Senate agreed to the measure on the same day by voice vote, without referral to committee.

Senate Observer Group to Arms Control Talks.—Senate Resolution 86 designated Senators Ted Stevens and Richard Lugar of the majority part and Senators Sam Nunn and Claiborne Pell of the minority party as cochairmen of the Senate Observer Group (designated pursuant to Senate Resolution 19) to the United States-U.S.S.R. arms control negotiations, and also authorized expenditures by such group. Senator Dole submitted the measure for himself and Senator Byrd on February 28, 1985. The Senate agreed to the measure on the same day by voice vote, without referral to committee.

Urging a Joint United States-Soviet Effort To Achieve Worldwide Disease Immunization by 1990.—Senate Reolution 227 declared that the United States and the Soviet Union should initiate, using their own resources and those of other donors and appropriate multilateral agencies, a joint effort to immunize all the world's children by the year 1990. The resolution further declared that this effort should be accompanied by a series of studies to anticipate the demographic effect such worldwide immunization would have. On September 1, 1985, Senator Pell broached the concept of a joint United States-Soviet immunization program with Soviet General Secretary Gorbachev. On September 24, Senator Pell introduced S.

Res. 227 for himself, Senator Lugar, and 33 cosponsors. On the same day, the Committee on Foreign Relations met and, after amending the resolution to include studies on the demographic consequences of worldwide immunization, ordered it reported favorably to the Senate (Senate Report 99-148). In its report, the committee suggested that such cooperation between the superpowers might serve as a model for cooperation in other areas. The Senate agreed to the resolution as amended and with a preamble on November 5, 1985, by voice vote.

Commending the President for Geneva Summit Initiative.—Senate Resolution 257 commended President Reagan for his initiative to meet with Soviet General Secretary Gorbachev in Geneva on November 19-20, 1985. The resolution also extended the Senate's full support to the President and encouraged him in such meetings to pursue a framework for progress with the Soviet Union on a range of issues, including arms control, Soviet aggressions in the Third World, human rights, and confidence-building measures such as the establishment of Nuclear Risk Reduction Centers. Senator Dole submitted the resolution on November 13, 1985, and it was agreed to on the same day by a vote of 99-0, without referral to committee.

Changes to Senate Observer Group to Arms Control Talks.—Senate Resolution 283 amended Senate Resolution 86, which the Senate had agreed to on February 28, 1985, and which had established the Senate Observer Group to act as official observers at any formal arms control or reduction talks. S. Res. 283 designated Senator Stevens as the chairman of the Senate Observer Group, named additional Senators to the group, and set forth administrative provisions relating to official travel. Senator Dole submitted the resolution for himself and Senator Byrd on December 19, 1985. The Senate agreed to it on the same day by voice vote, without referral to committee.

On the Genocide Convention.—Senate Resolution 347 expressed the sense of the Senate that, upon the deposit with the United Nations of the instrument of ratification to the International Convention on the Prevention and Punishment of the Crime of Genocide, the President should notify that international body of the U.S. desire to amend the convention to include acts of political genocide within the definition of "genocide." The resolution further stated that the President should direct the U.S. Permanent Representative to the United Nations to take the steps necessary to see that such amendment is adopted. Senator Dole submitted the resolution on February 19, 1986 and the Senate agreed to it on the same day by a vote of 93-1.

The following is a list of legislation under committee jurisdiction that was agreed to without referral:

Fair Market Value of Claims.
Afghan Alliance.
Philippine Elections.
Welcoming President Aquino.
Earthquake in El Salvador.
Reykjavik Summit.
Radio Free Europe/Radio Liberty.
Daniloff Arrest.
Terrorism in Turkey.

6. Housekeeping Matters

A. STUDIES

1985 Funds for Inquiries and Investigations.—Section 12 of Senate Resolution 85 authorized $455,400 to be expended during the 2-month period from March 1, 1985, through April 30, 1985, by the Committee on Foreign Relations and its subcommittees to continue inquiries into foreign affairs generally and international events as they affect future U.S. foreign policy. The Senate agreed to this resolution on February 28, 1985, by voice vote and with an amendment relating to allowances for staff to assist Senators in committee work. Senate Resolution 80, an original resolution authorizing expenditures for the Foreign Relations Committee in the amount of $2,732,275 to be expended from March 1, 1985, through February 28, 1986, was reported to the Senate without written report on February 25, 1985, and was referred to the Committee on Rules and Administration on the same day. That committee reported S. Res. 145 to the Senate on April 26, 1985 (S. Rept. 99-40), in lieu of S. Res. 80 and other committees' resolutions. S. Res. 145 amended the earlier funding measure which the Senate agreed to (S. Res. 85), increasing the amount to be authorized for the Foreign Relations Committee to $2,434,509 and extending the time period to February 28, 1986. The Senate considered and agreed to S. Res. 145 on May 3, 1985, by voice vote and with an amendment to provide transition funding for committee staff who were displaced by the committee reorganizations at the beginning of the 99th Congress.

1986 Funds for Inquiries and Investigations.—Senate Resolution 302 requested $2,434,509 for the Committee on Foreign Relations and its subcommittees to continue inquiries into foreign affairs generally and international events as they affect future U.S. foreign policy. Of that amount, not to exceed $6,000 was to be available for the procurement of the services of individual consultants or organizations thereof. The resolution was reported by the Foreign Relations Committee as an original resolution on January 29, 1986, without written report, and referred to the Committee on Rules and Administration. The Rules Committee held hearings February 3, 4, and 5, 1986, and on February 27 ordered reported an original resolution, S. Res. 353, authorizing expenditures by committees of the Senate (S. Rept. 99-240). In its report, the Committee on Rules and Administration indicated it had agreed upon a method to comply with the fiscal year 1986 sequestration mandated by the Balanced Budget and Emergency Deficit Control Act (Public Law 99-177), and that the 4.3-percent reduction was to be prorated between the committee fiscal year ending February 28, 1986, and the committee fiscal year beginning March 1, 1986. The committee further agreed to hold committee authorizations at the same level as the previous year, with each committee's budget being reduced in accordance with the sequestration decision, $2,365,019 for the Committee on Foreign Relations. S. Res. 353 was considered by the Senate on March 13, 1986, and was agreed to, with amendments, by voice vote.

B. BUDGET WAIVER RESOLUTIONS

Section 402(2) of the Congressional Budget and Impoundment Control Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution which directly or indirectly authorizes the enactment of new budget authority for a fiscal year unless that bill or resolution is reported on or before May 15 preceding the beginning of such fiscal year.

Consideration of African Famine Relief Act.—Senate Resolution 73, an original resolution was submitted by Senator Lugar on February 12, 1985. The purpose of the resolution was to waive Section 402(2) of the Congressional Budget Act of 1974 with respect to the consideration of S. 457, a bill to authorize appropriations for famine relief, rehabilitation, recovery, and refugee assistance in Africa. The waiver allows authorization of $175 million to meet the needs of those in Africa suffering from food supply problems due to drought and other calamities. The resolution was referred to the Budget Committee, which reported it without recommendation on February 25, 1985 (without written report). S. Res. 73 was agreed to in the Senate on February 25 by voice vote.

C. PRINTING

Printing Resolution.—Senate Resolution 244 authorized the printing as a Senate document of background information relating to the history of the Committee on Foreign Relations in connection with its 170th anniversary (1816–1986). The resolution authorized the printing of additional copies, not to exceed the cost of $1,200, for the committee's use. It was reported by the committee as an original measure on October 24, 1985 (S. Rept. 99–164), in lieu of S. Res. 158, a similar resolution, but requesting a different number of additional copies, which the committee had reported on May 7, 1985, and which was not acted upon by the Senate. S. Res. 244 then was referred to the Rules Committee, which reported the measure on October 29, 1985 (S. Rept. 99–170). The Senate agreed to the resolution by voice vote on November 12, 1985.

D. LEGISLATION CONSIDERED BUT NOT ENACTED OR AGREED TO

ANTI-APARTHEID ACTION ACT OF 1985

In 1986, Congress overriding a Presidential veto, enacted legislation which imposed sanctions on South Africa because of its apartheid policies (Public Law 99–440). But, the 1986 act was the result of the second major legislative effort in the 99th Congress to impose sanctions; the first such effort in 1985 produced legislation that proceeded all the way to the conference report stage before finally being forestalled by the President's 1985 Executive order imposing limited sanctions on the Pretoria government.

On March 27, 1985, the Senate Foreign Relations Committee reported legislation requiring the imposition of economic sanctions against South Africa. The bill, S. 998, was in response to a March 1985 incident in which at least 19 blacks en route to the funeral of a young black activist were killed by the South African police outside the city of Uitenhage in eastern Cape Province. In reporting the original bill on April 24, 1985 (S. Rept. 99-37), the committee made it clear that its action did not preclude further consideration of legislation affecting U.S. policy toward South Africa.

In addition to S. 998, the following other bills relating to United States policy toward South Africa were referred to the committee in 1985:

S. 147—The South African Human Rights Act of 1985, introduced on January 3, 1985, by Senators Proxmire, Levin, Sarbanes, and Hart;

S. 995—The Anti-Apartheid Action Act of 1985, introduced on April 24, 1985, by Senators Lugar, Mathias, and Dole;

S. 1020—The United States-South Africa Relations Act of 1985, introduced on April 26, 1985, by Senators Roth and McConnell; and

S. 1228—The United States-South Africa Relations Act of 1985, introduced on June 3, 1985, by Senators Roth, McConnell, and Dodd.

The committee held public hearings on all the related legislative measures before it on April 24, and again on May 2 and 22, 1985.

On June 4, 1985, the committee met to consider legislation relating to United States policy toward South Africa. It adopted, as its working text, a version of S. 995 which had been modified by changing the statement of principles to incorporate principles approved in 1984 by both Houses during consideration of the Export Administration Act, a bill which had died in session. On the same day, the committee ordered S. 995 reported with an amendment incorporating amendments which the committee adopted during its consideration. The vote to order the bill reported was 16–1. The bill was reported on June 28, 1985, with an amendment in the nature of a substitute (S. Rept. 99-99).

The committee's consideration of S. 995 was swift and, in large part, consensual. In its report, the committee made note of the bipartisan nature of the bill, and expressed its concern that United States opposition to apartheid had not been effectively communicated to blacks in South Africa or to the South African Government. The committee further indicated its view that the legislation it was reporting out would achieve both these objectives by signaling the United States willingness to assist South African blacks and to refrain from "business-as-usual" with the South African Government while apartheid continued. As ordered reported, the bill contained the following major provisions:

—The bill established a $15 million scholarship fund for black education in South Africa.

—It authorized $1.5 million annually for human rights organizations inside South Africa; in considering this point, the committee accepted without dissent an amendment by Senator Kassebaum that 20 percent of the funds should be reserved for legal assistance to South African political prisoners.

—The bill directed the Export-Import Bank and the Overseas Private Investment Corporation to help black-owned South African businessess.

—The bill mandated adherence to the Sullivan Principles for United States companies doing business in South Africa, including desegregation of the races in employment facilities, equal employment guarantees, equal pay, and others. By consensus, the committee accepted a modification to require U.S. firms with more than 25 employees to adhere to the principles.

—The bill prohibited the export of nuclear materials or technology to South Africa, prohibited export of computers and computer technology to South African Government agencies administering the apartheid system, and prohibited United States bank loans to the South African Government or to corporations under its control. These provisions, which were sections of S. 1228, were offered in an amendment by Senator Dodd, which the committee accepted by a vote of 12-5.

—The bill required the imposition of economic sanctions against South Africa within 18 months of enactment if substantial progress had not been made on eliminating certain aspects of apartheid. The committee adopted suggestions by Senators Lugar and Pell to add prohibitions on new investment, krugerrand sales, and most-favored-nation status to those the President could recommend. The bill also required an annual report on progress toward ending apartheid.

—Finally, the bill required the President to negotiate with other countries in developing joint sanctions against South Africa. This provision was offered in an amendment by Senator Evans; the committee adopted it without a recorded vote.

On July 8, 1985, the Senate began debate on S. 995, and cloture was invoked on the following day by a vote of 88-8. During its consideration of the bill on July 10 and 11, the Senate accepted only two amendments to the committee's bill, both introduced jointly by Senators Lugar and Cranston. One amendment expressed the sense of Congress that persons subject to the Sullivan Principles in the bill should seek to extend the scope of those principles outside the workplace and required an annual report by the Secretary of State on progress, authorized the minting of United States gold coins to compete with krugerrand sales, and required a United States study of health conditions and malnutrition in the South African homelands. In his floor remarks, Senator Lugar indicated that the amendment brought together several technical changes—principally those of members of the Banking Committee, which could have demanded referral of S. 995 but chose not to do so. The amendment passed by voice vote.

The second amendment, also adopted by voice vote, described steps which the President could take to ensure compliance with the prohibition against computer exports, and provided for penalties for individuals violating the prohibition. The Senate rejected a number of other amendments, including the following:

—imposition of sanctions on signatories of the 1975 Helsinki accords, such as the Soviet Union, if they were not in compliance with human rights standards set by the accords (by Senator Humphrey, rejected 67-29 on a tabling motion);

—prohibition against economic sanctions if they would increase unemployment among South African blacks (by Senator Symms, rejected 78-17 on a tabling motion);

—extension of sanctions to the Soviet Union and other countries with human rights violations or which encouraged terrorism (by Senator Wallop, rejected 37-57); and

—declaration that the African National Congress (ANC) is a terrorist organization (by Senator Denton, rejected 72-21).

Upon completion of its consideration, the Senate passed the House bill on United States policy toward South Africa, H.R. 1460, after substituting the text of S. 995 as amended. The vote for passage was 80-12. On July 17, 1985, the House requested a conference, and the Senate agreed to a conference on July 25, 1985. Conferees for the Senate were Senators Lugar, Helms, Mathias, Kassebaum, Garn, Heinz, Pell, Sarbanes, Cranston, and Proxmire, and Senator Kennedy in lieu of Senator Cranston for section 15.

Conferees met on July 31, 1985, and agreed to file a report on the same day. In most respects, conferees agreed on Senate provisions or on modifications of Senate provisions. An important exception was adoption of the House's provision imposing an immediate prohibition on imports of South African krugerrands, where Senate language had called for this prohibition to be on the list for implementation after 18 months. Despite Senator Lugar's indication that the President was likely to veto anything stronger than the Senate bill, House conferees insisted on the immediate sanction as a necessary repudiation of the South African Government. A second important exception involved acceptance of House language to require an immediate ban on new United States business investments in South Africa, with certain exceptions, where the Senate had included this as a prospective sanction.

The House adopted the conference report (H. Rept. 99-242) on August 1, 1985, by a vote of 380-48. When the Senate took up the report on the same day, Senate conservatives who opposed the bill blocked action. With the exception of a procedural vote designed to signal Senate support for the measure, no action was taken before the Senate's August recess. (The procedural step, offered by Senator Weicker, was to table the resolution, on the grounds that the measure's opponents—in the minority—would vote in the affirmative. The vote proved meaningless when even the bill's opponents voted against tabling, 0-97.) Senator Lugar indicated he would attempt to persuade the President during the August recess to take Executive action on the issue of United States policy toward South Africa, thus avoiding a veto confrontation.

On September 9, 1985, faced with almost certain passage of H.R. 1460, President Reagan issued Executive Order 12532 imposing milder economic measures against South Africa. Congress later codified the sanctions of the Executive order in its 1986 anti-apartheid legislation (Public Law 99-440). In 1985, the sanctions in the Executive order were sufficient to strengthen the hand of Senate Republicans who wished to avoid a veto confrontation. In a series of votes on September 9, 11, and 12, and other procedural moves—including one in which the chairman of the Foreign Relations Committee physically removed the bill from the desk on the Senate floor—the Senate was unable to invoke cloture or otherwise to act further on H.R. 1460. S. 995 was indefinitely postponed on October 9, 1985.

INTERNATIONAL TERRORISM DETERRENCE ACT

Senate bill S. 1941, the International Terrorism Deterrence Act, was designed to protect the security of the United States by providing for sanctions against any country that provided support for perpetrators of acts of international terrorism. The bill directed the Secretary of State to identify and publish the name of each foreign state that provided support for acts of international terrorism, and proscribed sanctions against such countries. The bill also expressed the sense of Congress that the President should negotiate with U.S. allies to impose similar sanctions on such countries, and established an Anti-Terrorism Trust Fund.

Senator Denton introduced the bill on December 13, 1985, and the bill ultimately had 13 cosponsors. S. 1941 was one of those which the committee considered during its May 7, 1986, hearings on the Omnibus Diplomatic Security and Anti-Terrorism Act (Public Law 99-399). Although S. 1941 was not specifically incorporated into that act by the committee and was not acted upon further, the Omnibus Act was enacted into law with substantial antiterrorism provisions.

COUNTERTERRORISM IN CENTRAL AMERICA

Citing numerous incidents of terrorism in Central America, the administration proposed legislation providing for U.S. assistance to Central American countries to combat terrorism. On October 10, 1985, Senator Lugar introduced S. 1757 at the administration's request. As introduced, the bill authorized an additional appropriation of $27 million in military assistance for El Salvador, Honduras, Costa Rica, Panama, Belize, and Guatemala to enhance the ability of their armed forces to combat terrorism. In addition, the bill authorized $27 million in antiterrorism assistance (under Chapter 8, Part II of the Foreign Assistance Act of 1961), to enhance and strengthen the ability of the law enforcement institutions of the six countries to combat terrorism. Of that amount, not more than $1 million could be used for a special counterterrorism protection fund for persons who furnish information relating to terrorist incidents. The bill further stated that the restrictions of Section 573(d) of the Foreign Assistance Act of 1961 would not apply to the use of these funds.

The committee held its first public hearing on S. 1757, chaired by Senator Lugar, on November 5, 1985, during which the committee received testimony from witnesses from the Departments of State and Defense. On November 13, 1985, the committee discussed the bill at its business meeting, and on November 18, the committee met in executive session, chaired by Senator Kassebaum, to receive a briefing from CIA and State Department officials on the terrorist threat in Central America.

The committee held its second hearing on November 19, 1985, chaired by Senator Evans, and received additional testimony from administration witnesses and the following private witnesses: Pat Holt, former staff director of the committee; Patrick Murphy, former New York City Police Commissioner; Dr. Luis Aguilar of Georgetown University; Robert Goldman of America's Watch; and Nina Shea of the International League of Human Rights. Past and present problems associated with police training and human rights abuses were highlighted. The bill was considered again at a committee business meeting on November 20, 1985, and on December 2, 1985, the chairman circulated to other committee members a substitute for the administration proposal. The substitute was discussed at meetings on December 4 and 5, 1985, at which time Senators Lugar and Pell introduced a modified version of the original substitute which then served as the basis for the committee's action.

The substitute draft differed notably from the administration's proposal in eliminating the request for military assistance and in eliminating Panama and Belize as recipient countries. The substitute draft provided $24 million, but was later reduced to $21 million, in assistance to the law enforcement agencies of El Salvador, Honduras, Costa Rica, and Guatemala, included $1 million for the requested witness protection fund, and imposed special requirements on Guatemala. In addition, the substitute restricted involvement of intelligence agency personnel in assistance funded by the program, placed limits on the type of equipment that could be furnished, and added oversight and reporting requirements to the program.

During its December 5 meeting, the committee agreed by unanimous consent to three additional amendments to the substitute bill. Two of these were offered by Senator Mathias, one requiring that countries formally request counterterrorism assistance before its provision by the United States, and one inserting words "substantial progress" at appropriate places to replace the word "progress." The committee also agreed to an amendment by Senator Kerry, as modified by Senators Evans and Dodd, modifying the provisions conditioning assistance to Guatemala. By a vote of 1-15, the committee defeated Senator Helm's motion that the original administration bill be substituted for the Lugar/Pell substitute. On December 5, 1985, by a vote of 15-1, the committee ordered the measure reported as an original bill, S. 1915. The bill was reported on December 10, 1985 (S. Rept. 99-213).

The committee noted the need for additional assistance to the countries in question to help combat terrorism, and expressed particular concern that U.S. citizens are being increasingly targeted throughout the region, but indicated a number of concerns. Primary concerns involved the association of the United States with police forces that have a poor human rights record, the human rights record of Guatemala's security forces, and the desire that the Anti-Terrorism Assistance Program remain primarily a training program, not an equipment transfer program.

After extensive debate, the committee designed the bill to provide immediate help to El Salvador, Honduras, Costa Rica, and Guatemala to counter the terrorist threat to their security and to provide training and equipment to help their security forces gain the professionalism necessary to bring criminals to justice. The committee bill allowed such assistance only to countries that demonstrated progress in stopping human rights abuses by its security forces. That condition, and limitations on the equipment that could be provided, and oversight requirements added by the committee helped allay concerns over the program. The committee indicated it was impressed by the ATA's design as presented by the administration, and that it appeared to be designed with the goal of institution-building in mind.

In its report, the committee emphasized that its substitute bill provided no additional Military Assistance Program (MAP) funds, and indicated that it viewed the military portion of the administration's request as simply a supplemental funding request for MAP assistance. Committee report language stated that MAP funds were already authorized for fiscal year 1986 for the countries in question, and further stated that the President had sufficient authority under current law to provide counterterrorism assistance to MAP recipient countries.

Elsewhere in its report, the committee indicated it had considered including as part of the bill an amendment by Senator Kassebaum, supported by Senators Sarbanes and Evans, which would have prohibited the administration from increasing the assistance provided under the bill through reprogramming, transfer, or other means. Based on the administration's assurances that it would not exceed the $21 million limit under the bill, Senator Kassebaum withdrew her amendment.

On December 9, 1985, S. 1915 was considered and withdrawn as an amendment to H.J. Res. 465, the continuing appropriations resolution. No further action was taken on S. 1915 in the 99th Congress.

NUCLEAR TESTING ISSUES

The committee considered several measures dealing with nuclear testing issues in hearings on May 8, June 19, and June 26, 1986. During these hearings, the committee considered the following measures: S.J. Res. 252, introduced by Senator Pell and cosponsored by 20 other Members; S. 2220, introduced by Senator Cranston and cosponsored by 11 other Members; S. Con. Res. 7, introduced by Senator Proxmire on January 24, 1985; S. Con. Res. 135, introduced by Senator Wilson on April 30, 1986, for himself and 5 cosponsors; and H.J. Res. 3, introduced by Representative Bedell, which had passed the House on February 26, 1986, and was referred to the committee on March 10, 1986.

S.J. Res. 252 declared that the President should endorse and request Senate consent to ratification of the 1974 Threshold Test Ban Treaty and the 1976 Peaceful Nuclear Explosions Treaty; seek a further agreement reducing permitted explosive yields to the lowest possible verifiable levels; express the desire of the United States to resume comprehensive test ban negotiations; and, to facilitate negotations, seek Soviet agreement to a mutual testing moratorium of finite duration. S. 2220 expressed the sense of Congress that the President should declare a unilateral moratorium on United States testing of nuclear warheads, and that he should seek resumption of comprehensive test ban talks between the United States, Great Britain, and the Soviet Union. The bill also declared that, if the President did not declare a moratorium, then for a period of 6 months beginning 30 days after passage of the bill, funds for nuclear testing would be prohibited unless the President certified to Congress that the Soviet Union had tested a nuclear warhead after the date for cut off of funds.

S. Con. Res. 7 called for a 6-month moratorium in order to negotiate a nuclear test ban treaty with the Soviets. S. Con. Res. 135 expressed the sense of the Congress that the President should seek agreement with the Soviets on verification improvements to the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties and should pursue negotiations on a comprehensive test ban agreement.

As President Reagan left for the Reykjavik summit last fall, a conference committee was considering different nuclear testing provisions contained in each Chamber's version of the defense authorization bill. The House provision would have bound the United States to a 1-year moratorium on nuclear tests over 1 kiloton under certain conditions. The Senate's version, offered by Senators Kennedy and Mathias and based on H.J. Res. 3, was nonbinding, calling for ratification of the TTBT And PNET and resumption of talks on a CTB. The Kennedy-Mathias amendment also invited the President to submit any reservation he believed necessary for ratification of these treaties. The administration opposed both measures, but preferred the Senate version.

To break the impasse on the defense bill and to leave the President free to deal with General Secretary Gorbachev, a compromise was reached. The Congress accepted the Senate provision in exchange for Presidential assurances which were contained in an October 10 letter from President Reagan to Chairmen Goldwater and Aspin. The President agreed as follows:

> To take two important steps toward limiting nuclear testing. First, I intend to inform General Secretary Gorbachev in Reykjavik that as a first order of business for the 100th Congress, if the Soviet Union will, prior to the initiation of ratification proceedings in the Senate next year, agree to essential TTBT/PNET verification procedures which could be submitted to the Senate for its consideration in the form of a protocol or other appropriate codicil, I will request the advice and consent of the Senate to ratification of the TTB and PNE treaties. However, if the Soviet Union fails to agree to the required package of essential procedures prior to the convening of the 100th Congress, I will still make ratification of these treaties a first order of business for the Congress, with an appropriate reservation to the treaties that would ensure they would not take effect until they are effectively verifiable. I will work with the Senate in drafting this reservation.

ASSISTANCE TO ANGOLA

Several bills and resolutions dealing with United States assistance for the National Union for the Total Independence of Angola (UNITA) were referred to the committee. S. 2021, introduced by Senator Trible for himself and Senator Armstrong, authorized appropriations for any Federal agency designated by the President, with the exception of the CIA or the Department of Defense, for humanitarian assistance to UNITA. S. Res. 280, introduced on December 19, 1985, by Senator Dole, expressed Congress' support for the Angolan people, called for free and fair elections, and called for an end to Soviet and Cuban troop presence. S. Res. 280 also provided for material assistance to UNITA in early 1986 if the Marxist Popular Movement for the Liberation of Angola (MPLA) failed to negotiate with UNITA. Senate bill S. 1972, introduced by Senator East for himself and four cosponsors on December 18, 1985, authorized the President to provide military assistance to UNITA.

The Committee held hearings on United States policy toward Angola on January 30, 1985, and again on February 18, 1985. No action on any of the above measures was taken.

IRAN CLAIMS ACT

The Algiers Accord, which was signed on January 19, 1981, concluded the Iranian hostage crisis and established an international arbitral tribunal known as the Iran-United States Claims Tribunal. The Tribunal was given the authority to adjudicate the more than 3,800 claims of United States nationals against Iran, and its decisions was to be binding in the courts of any nation.

Large claims (considered as more than $250,000) were expected to be brought directly to the Tribunal by claimants. Under the accords, the U.S. Government was to present the 2,800 small claims to the Tribunal for negotiation either separately or en bloc. If an "en bloc" settlement were achieved, the most efficient distribution of the amount received would be through adjudication by the Justice Department's Foreign Claims Settlement Commission.

Senate bill S. 1166, the Iranian Claims Settlement Act, addressed several problems arising out of the claims settlement. It authorized the Foreign Claims Settlement Commission to adjudicate small claims in the Iran case—an authorization necessary because the Commission's authority was limited to claims arising only from nationalization or confiscation of property, and thus did not encompass the Iranian claims situation. In addition, the bill gave specific authority to the Commission, retroactive to June 7, 1982, to collect a fee from claimants to cover the expenses of adjudication. The United States from the outset had been collecting a fee on claims awarded by the Tribunal, but this had been challenged successfully in the courts because of technical requirements under the Independent Office Appropriations Act. The fee collection portion of S. 1166 was reported by the committee to be the sole controversy with respect to the bill.

Senator Evans introduced S. 1166 for himself and Senator Lugar on May 17, 1985. The committee held hearings (S. Hrgs. 99-146), chaired by Senator Evans, on May 20, 1985, during which S. 771, an earlier bill addressing the same issues, had been considered. Senator Lugar had introduced S. 771 by request on March 28, 1985.

The committee ordered S. 1166 reported on June 4, 1985, by a vote of 16-0. The bill was reported on June 6, 1985 (S. Rept. 99-78), and on June 7, 1985, was agreed to as amendment No. 286 to S. 1003, the State Department authorization bill (Public Law 99-93). S. 1166 was postponed indefinitely on September 23, 1985. No further action was taken on S. 771.

AVIONICS TO CHINA

In June of 1981, the United States expressed its willingness to begin selling arms to the People's Republic of China (PRC) on a case-by-case basis. The strategic dialog that followed, including discussions and exchanges of military delegations, culminated in June 1984, in the first government-to-government sale to the PRC under the Foreign Military Sales (FMS) Program—the sale of a munitions technology package to help the PRC modernize its artillery production services.

On February 28, 1986, the Department of Defense informally notified the committee of the second proposed government-to-government sale, involving avionics systems for the PRC's F-8 fighter. Formal notification was given on April 8, 1986. On April 24, Senator Helms introduced S.J. Res. 331, a resolution of disapproval to prohibit the sale.

The committee held hearings on the resolution on April 29, 1986, beginning in open session and moving to closed session to hear testimony from administration witnesses. On May 1, 1986, the committee rejected, by a vote of 1–14 (1 present), a motion to report the resolution of disapproval favorably, and voted to report it unfavorably by a vote of 11–0 (1 present). The resolution was reported unfavorably on May 6, 1986 (S. Rept. 99-293), with additional views by Senator Helms and by Senator Murkowski. In voting on the resolution, the committee first approved a letter to the President, introduced by Senators Lugar and Pell, which set criteria for future military sales to the PRC as follows: That sales would not increase the threat to Taiwan or to non-Communist countries in the region; that the sale would assist China specifically in meeting threats posed by the Soviet Union and Vietnam; and that the sale would not significantly alter the military balance between the PRC and Taiwan. The letter reflected concerns about United States-China military cooperation of many committee members who nevertheless opposed the resolution of disapproval.

The Senate considered S.J. Res. 331 on May 8, 1986, at which time a point of order was raised that consideration of the measure at that time violated the 2-day rule. On August 12, 1986, S.J. Res. 331 was indefinitely postponed.

SUPPLEMENTAL ASSISTANCE FOR THE PHILIPPINES

Corazon Aquino was elected president of the Philippines on February 7, 1986, in an election said to have been marked by widespread fraud and manipulation by the proponents of Ferdinand Marcos. With her swearing in on February 25, 1986, she inherited all the economic and political problems of the Marcos regime. The Committee on Foreign Relations considered legislation designed to authorize supplemental appropriations for fiscal year 1986 for economic and military assistance to the Philippines as a demonstration of U.S. support for President Aquino's government.

Senator Lugar introduced S. 2378 at the administration's request on April 28, 1986, and on June 3, 1986, the committee held hearings on the issue. On June 12, 1986, the committee met again to consider the matter of supplemetal assistance, and Senator Lugar offered a substitute bill, S. 2610, to the administration bill. The substitute served as the markup vehicle for the committee's meetings on June 12 and 26, 1986.

S. 2610 authorized $100 million in additional Economic Support Fund (ESF) assistance for each of fiscal years 1986 and 1987, and $50 million in additional Military Assistance Program (MAP) assistance for fiscal year 1986, for a total of $250 million in new economic and military assistance for the Philippines. This substitute bill contained $100 million more in new ESF money than the administration proposal (S. 2378), a provision that was broadly supported in committee. In addition, during its consideration, the committee approved a modified amendment of Senator Dodd's which expressed the sense of Congress that the President should consider temporarily suspending the Philippines' debt obligations to the United States until new debt rescheduling terms, at rates comparable to those offered to the Marcos regime, could be negotiated. The committee also accepted a modified version of an amendment by Senator Sarbanes to create a "special envoy" for Philippine assistance. The modified version, adopted by an 8-3 vote, contained nonbinding language on the possibility of establishing a coordinator for Philippine assistance programs within the U.S. Government. The committee reported S. 2610 on June 26, 1986, by a vote of 14-3 (S. Rept. 99-330).

On October 3, 1986, the Senate approved, by a vote of 82-14, an amendment to H.J. Res. 738, the Continuing Resolution on Appropriations, which provided $200 million in additional assistance to the Philippines. No further action was taken on S. 2610.

BUDGET WAIVER ON ARMS CONTROL AND DISARMAMENT AGENCY

Senate Resolution 161 waived Section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1132, funding the Arms Control and Disarmament Agency. The committee ordered the resolution reported on April 2, 1985, as an original measure. The measure was reported without written report on May 14, 1985, and was referred to the Committee on the Budget on the same day. The Budget Committee reported the resolution without amendment and without recommendation on June 4, 1985. On September 11, 1985, S. Res. 161 was indefinitely postponed by the Senate, by voice vote.

BUDGET WAIVER ON COUNTERTERRORISM ASSISTANCE TO CENTRAL AMERICA

Senate Resolution 268 waived Section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1915, providing counterterrorism assistance to Central American countries. The committee ordered the resolution to be reported as an original measure on December 5, 1985. The resolution was reported on December 10, 1985, without written report, and was referred to the Committee on the Budget.

On December 11, 1985, the Budget Committee ordered the measure reported without amendment and without written report. No further action was taken on S. Res. 268.

SUPPORT FOR CHILE ACCORD ON DEMOCRACY

Senate Concurrent Resolution 82 declared Congress' support for the peaceful transition to democracy in Chile as expressed in the National Accord Agreement of the Democratic Parties. On October 23, 1985, the committee ordered S. Con. Res. 82 reported as an original measure in lieu of S. Con. Res. 68 (Durenberger), S. Con. Res. 73 (Kennedy), S. Res. 222 (Dodd), and H. Con. Res. 192 (Barnes), all of which expressed support for a transition to full democracy in Chile. S. Con. Res. 82 was reported with a preamble and without a written report. No further action was taken.

U.S. WITHDRAWAL FROM INTERNATIONAL COURT OF JUSTICE

Senate Concurrent Resolution 77 declared that the Congress deplored the President's notification to the United Nations Secretary General that the United States was withdrawing from the compulsory jurisdiction of the International Court of Justice. The resolution also reaffirmed Congress' support for the Court's role and for the international rule of law.

Senator Hatfield introduced S. Con. Res. 77 for himself and Senator Cranston on October 7, 1985, and seven other Members ultimately cosponsored the measure. The committee held hearings on December 4, 1985, but took no other action.

COMMENDING IRELAND AND THE UNITED KINGDOM

Senate Concurrent Resolution 93 declared that Congress commended the Governments of Ireland and the United Kingdom for reaching agreement on measures attempting to achieve a lasting peace in Northern Ireland. The resolution also declared Congress' willingness to work with the President in supporting the Anglo-Irish agreement through United States economic support and through promotion of economic and social development in both parts of Ireland.

The Committee on Foreign Relations ordered S. Con. Res. 93 reported as an original resolution on December 11, 1985. On the following day, the measure was reported without amendment and without written report and was taken up in the Senate by unanimous consent. Also on the same day, the Senate postponed S. Con. Res. 93 by unanimous consent and agreed in lieu to a companion measure, H. Con. Res. 239, passing it with a preamble by voice vote. H. Con. Res. 239 had been passed by the House on December 9, 1985, by a vote of 380-1.

INTERNATIONAL SPACE YEAR

Senate Joint Resolution 177 expressed the sense of Congress that the President should endorse the concept of an International Space Year (ISY) for 1992, consider discussing an ISY with other foreign leaders, and direct the Administrator of NASA to initiate interagency and international discussions to explore the opportunities for an ISY, including international missions and research and educational activities. The measure also required a report to Congress on an ISY.

Senator Matsunaga introduced S.J. Res. 177 for himself and Senator Garn on July 26, 1985, and the measure was cosponsoered by seven other Members on October 2, 1985. On November 13, 1985, the committee considered the resolution and ordered it to be reported favorably with an amendment in the nature of a substitute. The substitute language made only minor changes to the original resolution, including a change in the date for the required report and a deletion of language specifically mentioning research and educational activities as possible areas of international cooperation. The measure was reported to the Senate the following day, without written report.

On November 21, 1985, the Senate passed S.J. Res. 177 by voice vote. The House took no action, and the bill did not become public law.

OPPOSING THE SOVIET UNION'S INVASION AND OCCUPATION OF AFGHANISTAN

Senate Joint Resolution 240 condemned Soviet aggression in Afghanistan and urged expeditious conclusion of a negotiated political settlement based on withdrawal of all foreign troops, restoration of Afghanistan's independent and nonaligned status, self-determination, and the safe return of Afghan refugees. As introduced by Senator Humphrey for himself and Senator Boschwitz, the resolution also called for continued aid for the Afghan population both inside and outside of Afghanistan, but this language was deleted on the floor by a committee amendment which had been reported with the legislation.

The resolution was introduced on December 2, 1985. It was considered by the committee on December 11, 1985, and was reported with the amendment and without written report on the same day. The Senate passed the resolution as amended on December 13, 1985, by voice vote.

The House passed S.J. Res. 240 by voice vote on December 18, 1985, after first amending it by deleting specific reference to the Senate in the resolved clause. No other action was taken on the resolution, and it never became public law.

ARMS SALE TO SAUDI ARABIA

On April 8, 1986, the administration formally notified Congress of a proposed sale to Saudi Arabia of $354 million in antiaircraft, air-to-air, and antiship missiles, specifically including the following: AIM-9L Sidewinder air-to-air missiles; AIM-9P4 Sidewinder air-to-air missiles; Stinger shoulder-fired, surface-to-air missile systems; and Harpoon air-to-sea missiles.

Senate Joint Resolution 316, a resolution of disapproval introduced by Senator Cranston for himself and 60 cosponsors on April 9, 1986, prohibited unconditionally the sale of these defense articles. S.J. Res. 316 and an identical House bill, H.J. Res. 589 (231 cosponsors), reflected what many considered to be surprisingly strong congressional opposition to the administration on the issue. Among other things, Members cited the inclusion of portable "Stinger" missiles as an important reason for the extent of the opposition.

The Committee on Foreign Relations considered S.J. Res. 316 on April 17 and April 23, ordering it reported on April 23 by a vote of 11-6. In its report (S. Rept. 99-288, April 25), the committee cited that it was mindful of the history of the United States-Saudi Arabia military relationship, and the value of productive and mutually beneficial ties with Saudi Arabia. In reaching its decision that the sale should be rejected, however, the committee expressed concern about "burgeoning" terrorism in the region. The committee in particular cited what it called "limited Saudi efforts" to help the cause of peace in the Middle East, and cited examples of Saudi Arabian actions which in the committee's view demonstrated a lack of such commitment. Among these were: Decisions to terminate economic assistance and break diplomatic relations with Egypt after President Sadat made peace with Israel in 1979; lack of Saudi support for the President's own peace proposal in 1982; and continued support of Syria and the Palestine Liberation Organization, both of which continue to support or foment terrorism. The committee stated that composition of the arms package was not viewed by most members to be a decisive factor in the committee's decision.

The Senate considered S.J. Res. 316 on May 6, 1986, passing it the same day by a vote of 73-22. An identical measure, H.J. Res. 589, passed the House the following day by a vote of 356-62. (S.J. Res. 316 subsequently passed in lieu by a voice vote.) On May 21, 1986, the measure was vetoed by the President (Presidential Message 146). In his veto message, the President stated that regional stability and U.S. credibility as an ally would be damaged if the sale were not permitted to go through. The President further cited instances where Saudi Arabia had aided the effort to combat terrorism and assisted United States efforts in Egypt, Jordan, and Sudan.

On June 5, 1986, S.J. Res. 316 was considered by the Senate in the form of a Presidential veto override. The vote took place after the President provided written assurance that the Stinger missiles would not be sold. The Senate sustained the President's veto by a vote of 66-34. In general floor debate, Senator Lugar articulated the position of Senators opposing the veto override, saying that the Saudi sale added no new weapons or capabilities to their inventory, and further saying that the sale was important to the process of the United States working with moderate Arab states to move toward peace in the Middle East. Those supporting the veto override, such as Senator Pell, argued among other things that Saudi Arabia already had sufficient quantities of the missiles being proposed for sale, and reiterated that the Saudi government had not contributed sufficiently to the Middle East peace process.

BIOLOGICAL DIVERSITY/TROPICAL FORESTS

In 1983, Congress enacted the International Environmental Protection Act, authored by Senator Pell, which found a significant threat to biological diversity and which made the protection of natural ecosystems and wildlife habitats an important objective of U.S. development assistance. The 1983 act authorized the President to assist countries in protecting wildlife habitats and other conservation measures, and directed the Agency for International Development (AID) to take the lead in developing a U.S. Government strategy. Although that strategy was published in February 1985, there was continuing concern over the pace of its implementation by AID. This concern led to several legislative actions in the 99th Congress, the first of which was a Pell amendment to S. 960, the Fiscal Year 1986-87 Foreign Assistance Authorization Act, introduced while that bill was being considered by the full Senate in May 1985. Senator Pell withdrew his amendment pending further examination of the issue by the committee.

The committee subsequently considered two companion measures designed to implement further the policies enacted by the 1983 act. Senate bill S. 1747 provided for expanded U.S. assistance for protection of tropical forests in developing countries. The bill directed the President to provide assistance to help countries place a high priority on conservation and management of tropical forests, and to take certain other steps to further exchange, research, and conservation. The bill also directed that the objectives of the act, wherever possible, should be accomplished through private voluntary, and other nongovernmental institutions. S. 1747 required that progress on the program be included in the annual report on foreign aid programs.

Senate bill S. 1748 authorized appropriations to help developing countries protect and maintain wildlife habitats and develop sound management and conservation programs. The bill required AID to include in its country development strategy statements or other country plans a detailed plan to assist that country in the conservation of biological diversity.

Senator Roth introduced both bills on October 8, 1985. On March 19, 1986, the committee held public hearings to consider both the biological diversity and the tropical deforestation issues. On September 19, 1986, the committee met to consider both bills and two similar House bills, H.R. 2957 and H.R. 2958, which had passed the House on June 3, 1986. On the same day, the committee ordered reported the House bill, in each case by a vote of 16-0.

H.R. 2957, the bill on tropical deforestation similar to S. 1747, was ordered reported with an amendment (S. Rept. 99-481). The amendment, offered by Senator Evans, corrected a typographical error in the text of the House-passed bill. In its report, the committee made specific note of requirements in H.R. 2957 that the Agency for International Development (AID) include in country development statements an analysis of actions necessary to improve management of tropical forests in the country in question. The committee expressed its intent that these analyses provide a summary of major forest management issues rather than a detailed technical assessment.

H.R. 2958, the bill on biological diversity similar to S. 1748, was ordered reported with an amendment in the nature of a substitute and with additional views (S. Rept. 99-482). As passed by the House, H.R. 2958 had authorized a permanent annual earmark of $10 million of development assistance for new biological diversity projects. Senators Lugar, Evans, and Pell offered an amendment proposing a phased-in earmark of $2.5 million in fiscal year 1987,

$5 million in fiscal year 1988, and $10 million in fiscal year 1989. The committee adopted the Lugar/Evans/Pell substitute.

The Senate passed H.R. 2957 as amended, by voice vote on September 30, 1986. This bill was not acted upon further.

The Senate passed H.R. 2958 by voice vote on September 29, 1986, after first adopting an amendment by Senator Dole which made the funding subject to obtaining the necessary appropriations. No further action was taken on this bill.

On October 24, 1986, S. 1917, the Special Foreign Assistance Act of 1986, was approved. This continuing resolution contained the major provisions of both H.R. 2957 and H.R. 2958, and became Public Law 99-529.

INTERNATIONAL COMMERCIAL ARBITRATION IMPLEMENTATION ACT—S. 1828

Senate bill S. 1828 would have implemented the Inter-American Convention on International Commercial Arbitration, Treaty Doc. 97-12, which was approved by the Senate on October 9, 1986. The bill provided U.S. courts with the power to compel arbitration when contracting parties have included an arbitration clause in their contracts, and required U.S. courts to recognize arbitration awards granted pursuant to the convention.

Senator Lugar introduced S. 1828 by request on November 5, 1985. The committee held public hearings on June 11, 1986, and on September 9, 1986, ordered the bill reported with an amendment by a vote of 15-0. During its consideration, the committee adopted an amendment by Senator Mathias which added a provision to S. 1828 to promote arbitration as a viable alternative to judicial action when settling international disputes. The amendment added a provision to U.S. law explicitly stipulating that U.S. courts cannot recognize the act of state doctrine or the foreign sovereign immunity defense as causes for refusal to enforce valid arbitral awards.

S. 1828 was reported with an amendment on October 2, 1986 (S. Rept. 99-519). The Senate took up the bill on October 18, 1986, and, after adopting an amendment concerning the arbitral awards provisions, introduced for Senator Lugar by Senator Dole, passed the bill by voice vote. The bill received no further action.

E. NOMINATIONS

Referred	206
Reported/Confirmed	181
Returned to President upon adjournment of Congress	23
Withdrawn by President	2
Representatives to conferences:	
Referred	31
Confirmed	31
Returned to President	
Foreign Service promotions:	
Referred	[1] 2,075
Confirmed	2,074

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[1] Includes 2 nominations for Career Ambassadors, one of which was returned to the President.

DEPARTMENT OF STATE

There were 19 nominations for State Department officials referred to the committee, all of which were confirmed by the Senate. These nominations were for Deputy Secretary of State, Legal Adviser, Assistant Secretary (14), Director General of the Foreign Service, U.S. Coordinator for Refugee Affairs (and Ambassador-at-Large), and Director of the Office of Foreign Missions (with rank of Ambassador).

AMBASSADORS

On July 2, 1985, the Department of State advised the committee that in early 1985 the Committee on Presidential Appointments had established "a general rule of 3-year assignments for career Foreign Service officers who are appointed as Ambassadors." In addition, a recommendation was made to the President, which he adopted, that noncareer Ambassadors would also be rotated after 3 years. A total of 97 country Ambassadors was referred during the 99th Congress. Of these 97 nominations, 93 were reported and confirmed by the Senate. In addition, the committee received 2 nominations for Ambassador-at-Large, one for Ambassador to U.S. Office for Arms Reduction Negotiations in Geneva, and 10 for rank of Ambassador or Minister during the tenure of the nominee's service in that particular position. These positions include representatives or negotiators on textile matters, trade and investment issues and various arms control and disarmament meetings, and for the Commissioner General for the International Exposition in Vancouver. The rank of Ambassador was also included in nine of the appointments listed below under International Organizations.

OTHER AGENCIES

There were 55 nominations for officials of executive branch agencies other than the Department of State as follows: Agency for International Development (4), Arms Control and Disarmament Agency (2), General Advisory Committee of ACDA (4), Board for International Broadcasting (9), Board for Radio Broadcasting to Cuba (8), Overseas Private Investment Corporation (6), Peace Corps National Advisory Council (11), U.S. Information Agency (6) and U.S. Advisory Commission on Public Diplomacy (5). Nineteen of these nominations were returned to the President at the end of the second session.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

The Committee received 22 nominations for U.S. officials to the following organizations: African Development Foundation, Inter-American Development Bank, Inter-American Foundation, International Bank for Reconstruction and Development, International Monetary Fund, Organization of American States, World Health Organization, European Communities and the United Nations. Nine of these nominations had rank of Ambassador.

There were 31 nominees to serve as representatives and alternate representatives of the United States to the United Nations

General Assembly and the General Conference of the International Atomic Energy Agency. All of these were confirmed by the Senate.

F. MISCELLANEOUS ACTIVITIES

The committee held 195 open sessions and 12 meetings in executive (closed) session, while subcommittees met in 42 open meetings and 4 executive sessions. These included hearings on legislation, treaties and nominations, as well as briefings and consultations with officials of the executive branch and nongovernment witnesses on current foreign policy matters. Members and staff made individual trips abroad and participated in interparliamentary conferences to further exercise the legislative oversight responsibilities of the committee. On 62 occasions the committee members received heads of state and senior officials of foreign governments to discuss matters of mutual interest.

MEETINGS

The open and executive (indicated with *) meetings of the full committee are as follows:

Jan. 17, 1985—Famine in Africa.
Jan. 31, Feb. 4, 5, 6, and 7, 1985—Outlines of American Foreign policy.
Feb. 20, 1985—U.S.-Soviet relations and arms control.
Feb. 21, 1985—Committee business.
*Feb. 22, 1985—Trends in Soviet strategic and foreign policy.
Feb. 22, 1985—Treaty Doc. 99-2, Pacific Salmon Treaty.
Feb. 25 and 26, 1985—Soviet-American relations and arms control.
Feb. 27 and 28, 1985—U.S. in a global economy.
Feb. 28, 1985—Committee business.
Mar. 5, 1985—Ex. O, 81-1, Genocide Convention.
Mar. 15, 1985—Authorization for international security and development assistance (S. 660) and for State Department (S. 659).
*Mar. 19, 1985—Situation in Nicaragua.
Mar. 20, 1985—S. 660, authorization for international security and development assistance.
Mar. 25, 1985—Nomination.
Mar. 26, 1985—Committee business.
Mar. 26 and 27, 1985—Mark up of S. 660.
Mar. 28, 1985—S. 659, State Department authorization.
Mar. 29, 1985—S. 496, Board for International Broadcasting and S. 785, National Endowment for Democracy authorizations.
Apr. 1, 1985—S. 785, USIA authorization.
Apr. 2, 1985—Mark up of State, USIA, ACDA, BIB and multinational bank authorizations.
Apr. 2, 1985—Committee business.
Apr. 16, 1985—American foreign policy focusing on multilateral diplomacy.
Apr. 19, 1985—Situation in Central America.
Apr. 24 and May 2, 1985—U.S. policy toward South Africa.
Apr. 25, 1985—Considered Genocide convention and other Committee business.
May 1, 1985—Nomination.
May 2, 1985—U.S. policy toward South Africa (included pending legislation).
*May 6, 1985—Off-the-record briefing on review of initial round of Geneva arms control negotiations.
May 7, 1985—Committee business.
May 7, 8 and 9, 1985—Nominations.
May 13, 14 and 15, 1985—International terrorism, insurgency and drug trafficking. Joint hearings with Judiciary Committee.
May 20, 1985—S. 771 and S. 1166, Iranian claims.
May 21, 1985—Considered Genocide convention.
May 22, 1985—U.S. policy toward South Africa.
May 23, 1985—Nominations.
June 4, 1985—Committee business.

*June 5, 1985—Off-the-record briefing on the Philippines.
June 12, 1985—Nominations.
June 13, 1985—Treaty Doc. 99-5, North Pacific fur seal treaty.
June 17 and 18, 1985—Nominations.
June 18, 1985—Committee business.
June 19, 1985—S. 1308, economic assistance to Jordan.
June 19, 20 and 21, 1985—Nominations.
June 20 and 25, 1985—Committee business.
June 25 and 26, 1985—Nominations.
June 27, 1985—Committee business.
July 16 and 17, 1985—Nominations.
July 16 and *17, 1985—Embassy security.
July 17, 1985—Committee business.
July 23, and 24 and 25, 1985—Nominations.
July 30, 1985—Tax treaties (Ex. Q, 96-2, Treaty Docs. 98-12, 98-28, 98-30, 98-32 and 99-3).
July 30, 1985—Committee business.
Aug. 1, 1985—Treaty Doc. 99-8, U.S.-U.K. extradition treaty.
Aug. 1, 1985—Committee business.
Sept. 11, 1985—International narcotics control.
Sept. 18, 1985—Treaty Doc. 99-8, U.S.-U.K. extradition treaty.
Sept. 23, 1985—Nomination.
Sept. 24, 1985—Committee business.
Sept. 26, 1985—Financing Foreign Military Sales.
Sept. 30 and Oct. 1, 1985—Nominations.
Oct. 1. 1985—Committee business.
Oct. *8, and 9, 1985—Nuclear agreement with China.
Oct. 10, 1985—Proposed arms sale to Jordan (S.J. Res 204).
Oct. 10, 1985—Nominations.
Oct. 16, 1985—Trade barriers to U.S. exports.
Oct. 16 and 17, 1985—Nominations.
Oct. 22, 1985—Treaty Doc. 99-8, U.S.-U.K. extradition treaty.
Oct. 23, 1985—Recent developments in international finance and debt.
*Oct. 23, 1985—Informal discussion on arms sales to Jordan.
Oct. 23, 1985—Committee business.
Oct. 30, 1985—U.S. policy toward the Philippines.
Oct. 31 and Nov. 7, 1985—Nuclear strategy, ballistic missile defense and arms control.
Nov. 5, 1985—S. 1757, Central American counter terrorism proposals.
Nov. 7, 1985—Nominations.
*Nov. 8, 1985—Nuclear agreement with China.
Nov. 12, 1985—Nuclear strategy, ballistic missile defense and arms control.
Nov. 13, 1985—Committee business.
Nov. 14, 1985—Religious persecution behind the Iron Curtain.
Nov. 14, 1985—Nominations.
Nov. *18, and 19, 1985—Central American counter terrorism proposals.
*Nov. 19, 1985—Off-the-record briefing on Senator Laxalt's trip to the Philippines.
Nov. 20, 1985—Committee business.
Nov. 20 and 21, 1985—Nominations.
Dec. 4, 1985—International Court of Justice (S. Con. Res. 77).
Dec. 4, 1985—Committee business.
Dec. 5, 1985—Mark-up of S. 1757, Central American counter terrorism.
Dec. 5 and 10, 1985—Nominations.
Dec. 11, 1985—Committee business.
Dec. 18, 1985—Preparation for February 1986 Philippine presidential election.
Jan. 23, 1986—Philippine presidential election.
*Jan. 24, 1986—FBI officials on covert operations in the United States.
Jan. 28, 1986—Committee business.
*Jan. 29, 1986—Informal briefing on impact of Gramm-Rudman on international affairs programs.
Jan. 29, 1986—Nomination.
*Jan. 30, 1986—CIA and State officials on U.S. policy toward Angola (including S. 1972, S. 2021, and S. Res. 280).
Feb. 3, 1986—Nominations.
Feb. 4, 1986—S. 2015, diplomatic security act.
Feb. 18, 1986—U.S. policy toward Angola.
Feb. 19, 1986—Nominations.

Feb. 27, 1986—U.S. policy toward Nicaragua; Aid to Nicaragua resistance proposal (S.J. Res. 283).
Feb. 27, 1986—Committee business.
Mar. 4, 1986—U.S. policy toward Nicaragua (S.J. Res. 283).
Mar. 5, 1986—Nominations.
*Mar. 6, 1986—Informal off-the-record discussion on Nicaragua.
Mar. 6, 1986—Current situation in Ethiopia.
Mar. 18, 1986—International Trade in Endangered Species (Treaty Doc. 98-10); conservation of Atlantic Tunas (T.D. 99-4); and Protection of Ozone Layer (T.D. 99-9).
Mar. 19, 1986—Biological diversity and tropical deforestation (S. 1747 and S. 1748).
Apr. 10, 1986—U.S. foreign assistance program and aid to Ireland (S. 2139 and S. 2149).
Apr. 10 and 16, 1986—Committee business.
Apr. 17, 1986—Arms relationship with Saudi Arabia.
Apr. 21, 22, 23 and 24, 1986—Oversight of Agency for International Development.
Apr. 23, 1986—Committee business.
Apr. 29, 1986—S.J. Res. 331, prohibiting proposed sale of integrated avionics components to China.
Apr. 29, 1986—Nomination.
Apr. 30, 1986—S. 2015 and H.R. 4151, providing for diplomatic security.
May 1, 1986—Committee business.
May 5, 1986—Nominations.
May 7, 1986—Terrorism legislation.
May 8, 1986—Nuclear testing issues and legislation.
May 14, 1986—Committee business.
May 15, 1986—Treaty Doc. 99-12, protocols on oil pollution.
May 20, 1986—Economic Summit, Latin debt and the Baker plan.
*May 20, 1986—Current situation in Liberia.
June 3, 1986—S. 2378, supplemental assistance to the Philippines.
June 10, 1986—Nomination.
June 11, 1986—Private law treaties and implementing legislation.
June 12, 1986—Committee business.
June 18, 1986—Nominations.
June 19 and 26, 1986—Nuclear testing issues and legislation.
*June 25, 1986—Central America.
June 26, 1986—Committee business.
July 22, 23, 24 and 29, 1986—Situation in South Africa.
July 28, 1986—Nominations.
*July 29, 1986—Informal off-the-record discussicn on sanction proposals against South Africa.
Aug. 1, 1986—Mark-up of S. 2701, anti-apartheid act and other Committee business.
Aug. 4, and 6, 1986—Nominations.
Aug. 11, 1986—Investment treaties.
Aug. 12, 1986—Nominations.
Sept. 9, 1986—Nomination and Committee business.
Sept. 16, 17, 18 and 22, 1986—Nominations.
Sept. 23 and 25, 1986—Committee business.
Sept. 25, 1986—Treaty Doc. 99-30, Bermuda tax treaty.
Sept. 25, 29 and 30, 1986—Nominations.
Sept. 30, 1986—Committee business.
Sept. 30, 1986—Treaty Doc. 99-31, US-Icelandic treaty on the carriage of military cargo.
Oct. 6, 1986—Nominations.
Oct. 8, 1986—Committee business.
*Oct. 10, 1986—Downing of plane in Nicaragua.

SUBCOMMITTEE ACTIVITIES

(Subcommittees are listed in the order of the chairman's seniority within the full committee. Senator Lugar and Senator Pell were ex officio members of each subcommittee on which they did not serve as members.)

LATIN AMERICA AND CANADA

The Subcommittee on Western Hemisphere Affairs consisted of the following members:

Senators Helms (chairman), Kassebaum, Murkowski, Trible and Evans (Republicans).

Senators Zorinsky, Dodd, Eagleton and Kerry (Democrats).

The subcommittee held the following hearings:

March 26, 1985—Foreign assistance to Latin America.
March 10, 1986—Current situation in Panama.
April 21, 1986—Current situation in Panama.
May 7, 1986—Situation in Panama.
May 12 and 13, 1986—Situation in Mexico.
June 10, 1986—Present state of economy of Mexico (jointly with the Subcommittee on International Economic Policy).
June 17 and 26, 1986—Situation in Mexico.

INTERNATIONAL ECONOMIC POLICY, OCEANS AND ENVIRONMENT

The members of the International Economic Policy, Oceans and Environment Subcommittee were as follows:

Senators Mathias (chairman), Boschwitz, Murkowski, Trible and Evans (Republicans).

Senators Dodd, Eagleton, Kerry and Pell (Democrats).

The subcommittee held the following hearings:

March 12, 1985—Multilateral development banking legislation.
July 25, 1985—OPIC authorizing legislation.
September 26, 1985—GAO report on GATT.
October 9 and 10, 1985—U.S. economic growth and third world debt problem.
June 10, 1986—Present state of economy of Mexico (jointly with Western Hemisphere Subcommittee).
August 11, 1986—Free trade and ideas.

AFRICA

Membership of the Subcommittee on African Affairs was as follows:

Senators Kassebaum (chairman), Helms, Mathias and Pressler (Republicans).

Senators Kerry, Sarbanes and Pell (Democrats).

The subcommittee held the following hearings:

March 22, 1985—Foreign assistance to Africa.
July 29, 1985—Nominations.
October 24, 1985—African debt crisis.
December 10, 1985—Liberia and U.S. policy.
June 11, 1986—Nominations.

MIDDLE EAST AND SOUTH ASIA

The following were members of the Subcommittee on Near Eastern and South Asian Affairs:

Senators Boschwitz (chairman), Kassebaum, Pressler and Lugar (Republicans).

Senators Sarbanes, Cranston and Pell (Democrats).

The subcommittee held the following hearings:

March 21, 1985—Foreign assistance to Middle East.
July 31, 1985—Nominations.
September 20, 1985—Review of Middle East arms sales.

EUROPE

The members of the Subcommittee on European Affairs were the following:

Senators Pressler (chairman), Mathias, Boschwitz, Trible and Lugar (Republicans).

Senators Biden, Sarbanes, Zorinsky, and Eagleton (Democrats).

The subcommittee held the following hearings:

March 22, 1985—Foreign assistance to Europe.
April 1, 1985—Nomination.
July 31, 1985—Nomination.
September 12 and 13, 1985—Soviet active measures.
September 19, 1985—Crisis of will in Warsaw Pact and NATO Alliance.
October 3, 1985—Review of NATO.
February 26, 1986—Most-favored-nation status to Romania.
March 7, 1986—Nomination.
June 24, 1986—Impact of Chernobyl explosion.

EAST ASIA AND THE PACIFIC

Members of the Subcommittee on East Asian and Pacific Affairs were:

Senators Murkowski (chairman), Helms, Evans and Lugar (Republicans).

Senators Cranston, Zorinsky and Dodd (Democrats).

The subcommittee held the following hearings:

March 21, 1985—Foreign assistance to East Asia and the Pacific.
July 18, 1985—U.S.-Japan services trade.
July 30, 1985—Nomination.
July 31, 1985—U.S.-Japan services trade.
June 5, 1986—U.S.-Japan services trade.
September 30, 1986—Foreign driftnet fishing and marine mammal, bird and salmon management.
September 30, 1986—U.S. trade relations with Taiwan and Korea.

STUDIES BY COMMITTEE MEMBERS AND STAFF

The following is a list of study missions and Senate delegations abroad which resulted in printed reports;

April 1986—Middle East Trip Report. February 5-26, 1986. Report by Senator Mathias. S. Prt. 99-141.
April 1986—Visit to the Philippines, August 2-16, 1985. Staff report. S. Prt. 99-143.
June 1986—Report to the President on the Feb. 7, 1986 Presidential Election in the Philippines. Submitted by the U.S. Observer Delegation. Prepared by the Committee on Foreign Relations and the Center for Democracy. S. Prt. 99-166.

INTERPARLIAMENTARY ACTIVITIES

Congress, by law, participates in various interparliamentary groups to exchange views and information on mutual problems and concerns. The following are conferences on which written reports were submitted:

Available from House Committee on Foreign Affairs:
June 1985—Twenty-sixth Meeting of the Canada-United States Interparliamentary Group, May 16-19, 1985.
May 1986—Twenty-Seventh Meeting of the Canada-United States Interparliamentary Group, Feb. 27-March 3, 1986.

APPENDIX

COMMITTEE PUBLICATIONS

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATIONS
EXECUTIVE REPORTS	
Ex. Rept. 99-2 (Ex. O, 81-1) July 18, 1985.	Genocide Convention (with additional and supplemental views).
Ex. Rept. 99-3 (T.D. 98-5) Oct. 3, 1985.	Extension of the 1971 International Wheat Agreement.
Ex. Rept. 99-4 (T.D. 99-6) Dec. 11, 1985.	Nairobi Convention.
Ex. Rept. 99-5 (Ex. Q, 96-2 and T.D. 98-12) Dec. 11, 1985.	Income Tax Convention (and Protocol) with the Kingdom of Denmark.
Ex. Rept. 99-6 (T.D. 98-28) Dec. 11, 1985.	Income Tax Convention (and Protocol) with the Government of Italy.
Ex. Rept. 99-7 (T.D. 98-30) Dec. 11, 1985.	Income Tax Convention (and Protocol) with the People's Republic of China.
Ex. Rept. 99-8 (T.D. 98-32) Dec. 11, 1985.	Income Tax Convention with the Government of Cyprus.
Ex. Rept. 99-9 (T.D. 98-3) Dec. 11, 1985.	Income Tax Convention with the Government of Barbados.
Ex. Rept. 99-12 (T.D. 99-4) Apr. 16, 1986.	Protocol to the 1966 International Convention for the Conservation of Atlantic Tunas (ICCAT).
Ex. Rept. 99-13 (T.D. 99-9) Apr. 23, 1986.	Vienna Convention for the Protection of the Ozone Layer (with additional views).
Ex. Rept. 99-14 May 20, 1986.	Nomination of Morton I. Abramowitz (with minority views).
Ex. Rept. 99-15 (T.D. 99-26) June 13, 1986.	Protocol to China Tax Treaty.
Ex. Rept. 99-17 (T.D. 99-8) July 8, 1986.	Supplementary Extradition Treaty with the United Kingdom (with additional views).
Ex. Rept. 99-20 (T.D. 98-9) Sept. 18, 1986.	U.N. Convention on Contracts for the International Sale of Goods.
Ex. Rept. 99-21 (T.D. 98-27) Sept. 18, 1986.	Inter-American Convention on Letters Rogatory, with Protocol.
Ex. Rept. 99-22 (T.D. 99-28) Sept. 18, 1986.	The Convention on Wetlands of International Importance Especially as Waterfowl Habitat.
Ex. Rept. 99-23 (T.D. 99-29) Sept. 18, 1986.	Request for Advice and Consent to Withdrawal of a Reservation Made to the 1975 Patent Cooperation Treaty.
Ex. Rept. 99-24 (T.D. 97-12) Sept. 19, 1986.	Inter-American Convention on Commercial Arbitration.
Ex. Rept. 99-25 (T.D. 99-11) Sept. 19, 1986.	Hague Convention on the Civil Aspects of International Child Abduction.
Ex. Rept. 99-26 Oct. 3, 1986.	Nomination of James L. Malone (with additional views).
Ex. Rept. 99-27 (T.D. 99-31) Oct. 8, 1986.	Treaty between the United States and Iceland to Facilitate Their Defense Relationship.
Ex. Rept. 99-28 (T.D. 99-12) Oct. 16, 1986.	1984 Protocols Amending the Civil Liability and Fund Conventions on Oil Pollution Damage.

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATIONS
	SENATE REPORTS
S. Rept. 99-4 (S. 457) Feb. 23, 1985.	African Famine Relief and Recovery Act of 1985.
S. Rept. 99-10) Mar. 18, 1985.	Legislative Activities Report of the Committee on Foreign Relations, Ninety/Eighth Congress.
S. Rept. 99-34 (S. 960) Apr. 19, 1985.	International Security and Development Cooperation Act of 1985.
S. Rept. 99-37 (S. 998) Apr. 24, 1985.	Promoting an End to Apartheid in South Africa (with additional views).
S. Rept. 99-38 (S. 684) Apr. 25, 1985.	Mulitlateral Development Banks.
S. Rept. 99-39 (S. 1003) Apr. 25, 1985.	Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.
S. Rept. 99-51 (S. 1132) May 14, 1985.	Arms Control and Disarmament Amendments of 1985.
S. Rept. 99-78 (S. 1166) June 6, 1985.	Providing for the Adjudication of Certain Claims of U.S. Nationals against Iran.
S. Rept. 99-99 (S. 995) June 28, 1985.	Anti-Apartheid Action Act of 1985.
S. Rept. 99-148 (S. Res. 227) Oct. 4, 1985.	A Joint United States-Soviet Effort to Achieve Worldwide Disease Immunization by 1990.
S. Rept. 99-156 (S. 947) Oct. 10, 1985.	Overseas Private Investment Corporation Amendments Act of 1985.
S. Rept. 99-164 (S. Res. 244) Oct. 24, 1985.	Background Information on the Foreign Relations Committee.
S. Rept. 99-213 (S. 1915) Dec. 10, 1985.	Central American Counterterrorism and Law Enforcement Professionalization Act of 1985.
S. Rept. 99-288 (S.J. Res. 316) Apr. 25, 1986.	Prohibiting the Sale to Saudi Arabia of Certain Defense Articles and Related Defense Services (with additional views).
S. Rept. 99-293 (S.J. Res. 331) May 6, 1986.	Prohibiting the Sale of Integrated Avionics System Kits to the People's Republic of China (with additional views).
S. Rept. 99-304 (H.R. 4151) May 20, 1986.	Diplomatic Security and Anti-Terrorism Act of 1986.
S. Rept. 99-326 (S. 2572) June 19, 1986.	Anglo-Irish Agreement Support Act of 1986 (with minority views).
S. Rept. 99-330 (S. 2610) June 26, 1986.	Philippines Assistance Act of 1986.
S. Rept. 99-370 (S. 2701) Aug. 6, 1986.	Setting U.S. Policy toward Apartheid (with additional views).
S. Rept. 99-385 (S. 1917) Aug. 8, 1986.	Universal Child Immunization Act of 1986.
S. Rept. 99-481 (H.R. 2957) Sept. 23, 1986.	Protection of Tropical Forests.
S. Rept. 99-482 (H.R. 2958) Sept. 23, 1986.	Protection of Biological Diversity (with additional views).
S. Rept. 99-519 (S. 1828) Oct. 2, 1986.	The Inter-American Convention on International Commercial Arbitration Implementation Act.
	HEARINGS
Sept. 19, 1984	Food Aid in Africa: Lessons of 1984, Prospects for 1985 (Subcommittee on African Affairs with Subcommittee on Foreign Agricultural Policy of Committee on Agriculture). (S. Hrg. 98-1190).
Sept. 20, 1984	Unitary Tax (Subcommittee on International Economic Policy). (S. Hrg. 98-1213).
Sept. 26, 1984	U.S. Policy on South Africa (Subcommittee on African Affairs). (S. Hrg. 98-1189).
December 1984	Executive Sessions of the Senate Foreign Relations Committee (Historical Series), Volume XIII, Part 2, 87th Congress, 1st Session 1961.
Jan. 17, 1985	Famine in Africa. (S. Hrg. 99-17).

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATIONS
Jan. 31, Feb. 4, 5, 6, 7, 20, 25, 26, Oct. 31, Nov. 7 and 12, 1985.	Commitments, Consensus and U.S. Foreign Policy. (S. Hrg. 99-560).
Feb. 22, 1985	Pacific Salmon Treaty. (S. Hrg. 99-19).
Feb. 27, 28 and Mar. 6, 1985.	The Untied States in a Global Economy. (S. Hrg. 99-33).
Mar. 5, 1985	Crime of Genocide. (S. Hrg. 99-259).
Mar. 15, 20, 21, 22 and 26, 1985.	Security and Development Assistance. (S. Hrg. 99-219).
Mar. 28, 29 and Apr. 1, 1985.	Foreign Relations Authorization, Fiscal Years 1986 and 1987. (S. Hrg. 99-184).
Apr. 16, 1985	International Organizations and Multilateral Diplomacy. (S. Hrg. 99-143).
Apr. 19, 1985	The Situation in Central America. (S. Hrg. 99-471).
Apr. 24, May 2 and 22, 1985.	U.S. Policy toward South Africa. (S. Hrg. 99-212).
May 13, 14 and 15, 1985	International Terrorism, Insurgency, and Drug Trafficking: Present Trends in Terrorist Activity. (Joint hearings with Judiciary Committee) (S. Hrg. 99-372).
May 20, 1985	Iran Claims Legislation. (S. Hrg. 99-146).
June 13, 1985	North Pacific Fur Seal Treaty. (S. Hrg. 99-218).
Aug. 1, Sept. 18 and Oct. 22, 1985.	United States and United Kingdom Supplementary Extradition Treaty. (S. Hrg. 99-702).
Sept. 12, 1985	Soviet Imperative for the 1990's, Part 1 of 5 (Subcommittee on European Affairs). (S. Hrg. 99-400, Pt. 1).
Sept. 12 and 13, 1985	Soviet Active Measures, Part 2 of 5. (Subcommittee on European Affairs). (S. Hrg. 99-400, Pt. 2).
Sept. 19, 1985	Crisis of Will in the NATO Alliance. Part 3 of 5. (Subcommittee on European Affairs). (S. Hrg. 99-400, Pt. 3).
Sept. 19, 1985	Crisis of Will in the Warsaw Pact. Part 4 of 5. (Subcommittee on European Affairs). (S. Hrg. 99-400, Pt. 4).
Oct. 3, 1985	A NATO Strategy for the 1990's (Subcommittee on European Affairs). (S. Hrg. 99-400, Pt. 5).
Oct. 9, 1985	United States-People's Republic of China Nuclear Agreement. (S. Hrg. 99-339).
Oct. 9 and 10, 1985	U.S. Economic Growth and the Third World Debt. (Subcommittee on International Economic Policy, Oceans, and Environment). (S. Hrg. 99-455).
Oct. 10, 1985	Proposed Arms Sales to the Kingdom of Jordan. (S. Hrg. 99-548).
Oct. 24, 1985	African Debt Crisis. (Subcommittee on African Affairs). (S. Hrg. 99-458).
Oct. 30, 1985	Administration Review of U.S. Policy toward the Philippines. (S. Hrg. 99-435).
Nov. 5 and 19, 1985	Administration Proposal for Counter-Terrorism Assistance for Central America. (S. Hrg. 99-623).
Nov. 14, 1985	Religious Persecution Be4hind the Iron Curtain. (Subcommittee on European Affairs). (S. Hrg. 99-835).
Dec. 10, 1985	Liberia and United States Policy (Subcommittee on African Affairs). (S. Hrg. 99-543).
Dec. 18, 1985	Preparation for the February 1986 Philippine Presidential Election. (S. Hrg. 99-436).
Jan. 23, 1986	The Philippine Presidential Election. (S. Hrg. 99-535).
Feb. 4 and Apr. 30, 1986	Diplomatic Security Act. (S. Hrg. 99-849).
Feb. 18, 1986	Angola: Options for American Foreign Policy. (S. Hrg. 99-583).
Feb. 26, 1986	Romania: Most Favored Nation Status. (S. Hrg. 99-674).
Feb. 27 and Mar. 4, 1986	U.S. Policy toward Nicaragua: Aid to Nicaraguan Resistance Proposal. (S. Hrg. 99-645).
Mar. 5 and Apr. 29, 1986	Nomination of Morton L. Abramowitz. (S. Hrg. 99-653).
Mar. 6, 1986	Ethiopia Update: Forced Population Removal and Human Rights. (S. Hrg. 99-659).
Mar. 10 and Apr. 21, 1986	Situation in Panama. (Subcommittee on Western Hemisphere Affairs). (S. Hrg. 99-832).

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATIONS
April 1986	Executive Sessions of the Senate Foreign Relations Committee (Historical Series). Volume XIV, 87th Congress, 2nd Session 1962.
April 10, 1986	U.S. Foreign Assitance Program and Aid to Ireland. (S. Hrg. 99-648).
Apr. 21, 22, 23 and 24, 1986.	A.I.D. Oversight. (S. Hrg. 99-782).
May 7, 1986	Terrorism Legislation. (S. Hrg. 99-952).
May 8, June 19 and 26, 1986.	Nuclear Testing Issues. (S. Hrg. 99-937).
May 13, June 17 and 26, 1986.	Situation in Mexico. (S. Hrg. 99-942).
May 20, 1986	Economic Summit, Latin Debt and the Baker Plan. (S. Hrg. 99-889).
June 10, 1986	Economic Development in Mexico. (S. Hrg. 99-922).
July 22, 23, 24 and 29, 1986.	Situation in South Africa. (S. Hrg. 99-900).
Jan. 5, 1987	Executive Sessions of the Senate Foreign Relations Committee (Historical Series), Volume XV, 88th Congress, 1st Session 1963.

COMMITTEE PRINTS

December 1984	The U.S. Government and the Vietnam War. Part II. Prepared by the Congressional Research Service. (S. Prt. 98-185, Pt. 2).
Jan. 1, 1985	Report of the Special Committee on Nuclear Weapons in the Atlantic Alliance. (S. Prt. 98-265).
February 1985	Country Reports on Human Rights Practices. Submitted by Department of State. (Joint Committee Print with House Foreign Affairs). (S. Prt. 99-6).
March 1985	Legislation on Foreign Relations Through 1984, Vol. I (Joint Committee Print with House Foreign Affairs). (S. Prt. 99-12).
April 1985	U.S. Arms Control and Disarmament Agency 1984 Annual Report. (Joint Committee Print with House Foreign Affairs). (S. Prt. 99-24).
April 1985	Fiscal Year 1986 Arms Control Impact Statements. (Joint Committee Print with House Foreign Affairs).
April 1985	Legislation on Foreign Relations Through 1984, Vol. II (Joint Committee Print with House Foreign Affairs). (S. Prt. 99-12, Vol. 2).
May 1985	Rules of the Committee on Foreign Relations. (S. Prt. 99-48).
May 1985	Membership and Jurisdiction of Subcommittees. (S. Prt. 99-49).
May 1985	South Asia and U.S. Interests. Report by Senator Pressler. (S. Prt. 99-51).
June 13, 1985	Legislative Calendar. No. 1. (S. Prt. 99-60).
November 1985	Insurgency and Counterinsurgency in the Philippines. Prepared by the Congressional Research Service. (S. Prt. 99-99).
Jan. 6, 1986	Legislative Calendar. No. 2 (S. Prt. 99-116).
January 1986	The Presidential Election Process in the Philippines. Report of The Center for Democracy. (S. Prt. 99-113).
January 1986	Background Information on Committee on Foreign Relations. 170th Anniversary. (6th revised edition) (S. Doc. 99-21).
February 1986	Country Reports on Human Rights Practices for 1985. Submitted by Department of State. (Joint Committee Print with House Foreign Affairs).
March 1986	U.S. Arms Control and Disarmament Agency 1985 Annual Report. (Joint Committee Print with House Foreign Affairs).

Document No. and Date Filed	Title of Publications
April 1986	Middle East Trip Report February 5-26, 1986. Report by Senator Mathias. (S. Prt. 99-141).
April 1986	Visit to the Philippines August 2-13, 1985. Staff report. (S. Prt. 99-143).
April 1986	Legislation on Foreign Relations Through 1985, Vol. I (Joint Committee Print with House Foreign Affairs).
April 1986	Fiscal Year 1987 Arms Control Impact Statements. (Joint Committee Print with House Foreign Affairs). (S. Prt. 99-147).
June 1986	Legislation on Foreign Relations Through 1985, Vol. II (Joint Committee Print with House Foreign Affairs).
June 1986	Legislation on Foreign Relations Through 1985, Vol. II (Joint Committee Print with House Foreign Affairs).
June 1986	Report to the President on the Feb. 7, 19 86 Presidential Election in the Philippines. Submitted by the U.S. Observer Delegation. Prepared by the Committee on Foreign Relations and The Center for Democracy. (S. Prt. 99-166).
Dec. 31, 1986	Legislative Calendar. Final. (S. Prt. 99-197).
	PUBLIC LAWS
P.L. 99-7 (S. 592) Mar. 27, 1985.	Commission on Security and Cooperation in Europe.
P.L. 99-8 (S. 689) Apr. 2, 1985.	To authorize appropriations for famine relief and recovery in Africa.
P.L. 99-79 (S.J. Res. 180) Aug. 2, 1985.	Commemorating the 10th anniversary of the signing of the Helsinki Final Act.
P.L. 99-81 (S.J. Res. 161) Aug. 6, 1985.	To appeal for the release of Soviet Jewry.
P.L. 99-83 (S. 960) Aug. 8, 1985.	International Security and Development Cooperation Act of 1985.
P.L. 99-90 (S.J. Res. 98) Aug. 15, 1985.	Condemning the passage of Resolution 3379 in the United Nations.
P.L. 99-93 (H.R. 2068) Aug. 16, 1985.	Foreign Relations Authorization Act, Fiscal Years 1986 and 1987.
P.L. 99-116 (H.J. Res. 394) Oct. 4, 1985.	Reaffirming our historic solidarity with the people of Mexico following the devastating earthquake of September 19, 1985.
P.L. 99-139 (S. 1726) Oct. 30, 1985.	To amend section 51(b) of the Arms Export Control Act, relating to the funding of the Special Defense Acquisition Fund.
P.L. 99-144 (S.J. Res. 227) Nov. 8, 1985.	To commend the people and the sovereign confederation of the neutral national of Switzerland for their contributions to freedom, interantional peace and understanding on the occasion of the meeting between the leaders of the United States and the Soviet Union on November 19-20, 1985, in Geneva, Switzerland.
P.L. 99-162 (S.J. Res. 228) Nov. 25, 1985.	Relating to the proposed sales of arms to Jordan.
P.L. 99-174 (H.J. Res. 459) Dec. 11, 1985.	Reaffirming the friendship of the people of the United States with the people of Colombia following the devastating volcanic eruption of November 13, 1985.
P.L. 99-183 (S.J. Res. 238) Dec. 16, 1985.	Relating to the approval and implementation of the proposed agreement for nuclear cooperation between the United States and the People's Republic of China.
P.L. 99-204 (S. 947) Dec. 23, 1985.	To amend the Foreign Assistance Act of 1981 with respect to the activities of the Oversea Prviate Investment Corporation.
P.L. 99-230 (S. 1918) Dec. 28, 1985.	To change the date for transmittal of a report.
P.L. 99-247 (S. 1831) Feb. 12, 1986.	To amend the Arms Export Control Act to require that congressioanl vetoes of certain arms export proposals be enacted into law.

DOCUMENT NO. AND DATE FILED	TITLE OF PUBLICATIONS
P.L. 99-354 (S.J. Res. 365) July 2, 1986.	Welcoming the Afghan Alliance.
P.L. 99-369 (H.R. 4985) Aug. 1, 1986.	To authorize the distribution within the United States of the USIA film entitled "The March."
P.L. 99-393 (H.J. Res. 630) Aug. 23, 1986.	Designating the College of William and Mary as the official United States representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom.
P.L. 99-414 (H.R. 4329) Sept. 19, 1986.	To authorize U.S. contribution to the International Fund established pursuant to the Nov. 15, 1985 agreement between the United Kingdom and Ireland.
P.L. 99-440 (H.R. 4868) Oct. 2, 1986.	To prohibit loans to other investments in, and certain other activities with respect to, South Africa. (Comprehensive Anit-Apartheid Act of 1986).
P.L. 99-451 (H.R. 5506) Oct. 8, 1986.	To amend the International Claims Settlement Act of 1949, to provide that the value of claims be based on the fair market value of the property taken.
P.L. 99-475 (H.R. 5522) Oct. 16, 1986.	To authorize the release to museums in the United States of certain objects owned by the United States Information Agency.
P.L. 99-513 (S. 2048) Oct. 21, 1986.	R.M.S. Titanic Maritime Memorial Act of 1986.
P.L. 99-529 (S. 1917) Oct. 24, 1986.	Special Foreign Assistance Act of 1986.
P.L. 99-541 (S.J. Res. 422) Oct. 27, 1986.	Commemorating the 100th anniversary of the birth of the first Prime Minister of the State of Israel, David Ben-Gurion.
P.L. 99-623 (S.J. Res. 427) Nov. 6, 1986.	Reaffirming our friendship and sympathy with the people of El Salvador following the devastating earthquake of October 10, 1986.
P.L. 99-630 (H.J. Res. 67) Nov. 7, 1986.	Calling for a wildlife sanctuary for hump-back whales in the West Indies.
P.L. 99-631 (H.J. 756) Nov. 7, 1986.	To make corrections in the Comprehensive Anti-Apartheid Act of 1986.

NOTE: T.D. is an abbreviation for Treaty Doc.